

## CITY OF CORAL GABLES

### - MEMORANDUM -

**TO:** HISTORIC PRESERVATION  
BOARD MEMBERS

**DATE:** APRIL 9, 2010

**FROM:** KARA KAUTZ *KK*  
HISTORIC PRESERVATION OFFICER

**SUBJECT:** 1044 CORAL WAY

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The local historic designation of 1044 Coral Way is being revisited by the Historic Preservation Board at the request of the owner of the property.

The request before the Board is to determine whether the subject property meets the criteria for historic designation in its current state, without the previously proposed restoration project.

Attached to this memo, please find:

- A designation report prepared for the April 15, 2010 meeting of the Historic Preservation Board that addresses the property in its current condition.
- A request / letter from the owner, Waldo Toyos, seeking clarification of the property's designation status.
- A copy of the 2004 Staff Report addressing the local historic designation (Case File LHD 2003-18).
- Results letter from the 2004 HPB meeting.
- A copy of the Historic Preservation Board minutes from its regular meeting of April 2004.
- Resolution No. HPR22-LHD2003-18 designating the property as a local historic landmark.
- A copy of the Historic Preservation Board minutes from its regular meeting of October 19, 2006 addressing the demolition request.
- A copy of Historical Resources Department Data File regarding the property.
- A copy of the Coral Gables Zoning Code Sections 3-1107 "Demolition" and 3-1108 "Demolition by Neglect" as requested by Board member Joyce Meyers at the February 18, 2010 meeting of the Historic Preservation Board. Ms. Meyers also requested the Code section that refers to applications for de-designation, however, this issue is not addressed in the Code.
- A copy of the Coral Gables Zoning Code Section 3-1115 "Undue Economic Hardship."

Should you wish to review any additional information prior to your Board meeting next week, please contact this office with your request.

cc: Case File LHD 2003-18 REVISITED

Waldo & J.C. Toyos  
P. O. Box 143401  
Coral Gables, FL. 33114  
305-525-6690

2009 DEC -1 AM 11:42  
RECEIVED  
CITY OF CORAL GABLES  
HISTORICAL RESOURCES

November 30, 2009

Re: 1044 Coral Way Coral Gables, FL.

Ms. Kara Kautz  
City of Coral Gables  
401 Biltmore Way  
Coral Gables, FL. 33134

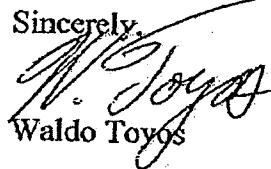
Dear Ms. Kautz,

We hereby request a special certificate of appropriateness to remove the involuntary historical designation of our former house at 1044 Coral Way. As you are well aware our house is no longer standing.

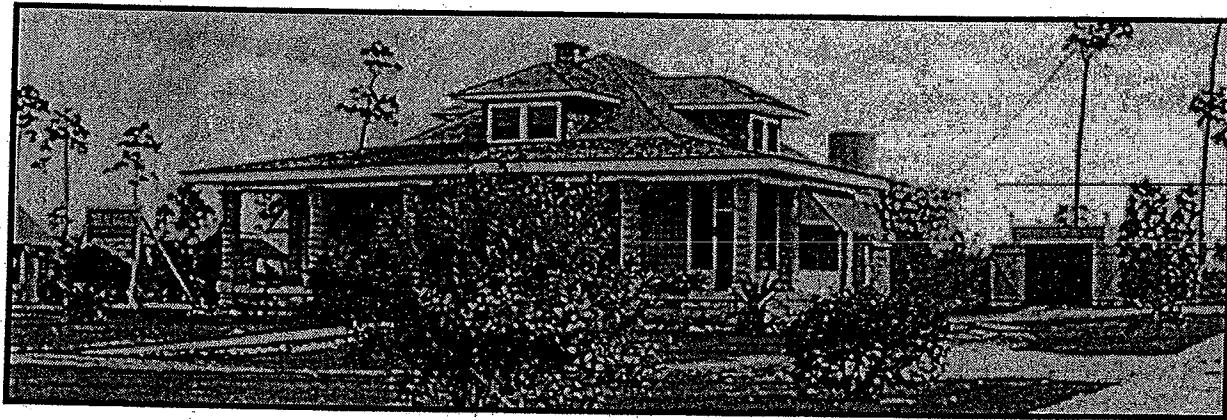
According to section 3-1106(H) of the Zoning code the historical board shall not make any decision that causes an undue economic hardship. For over six years the board has been making decisions that have economically impacted our family. For these reasons we have had and continue to have economic hardship.

We ask that our request and petition to the historical board be scheduled for hearing as soon as possible. If you have any further questions please contact us at 305-525-6690.

Sincerely,

  
Waldo Toyos

**REPORT OF THE CITY OF CORAL GABLES  
HISTORIC PRESERVATION DEPARTMENT  
TO THE HISTORIC PRESERVATION BOARD  
ON THE DESIGNATION OF  
THE PROPERTY AT  
1044 CORAL WAY**



**1920s Photograph**



# The City of Coral Gables

## Historical Resources Department

2327 SALZEDO STREET

CORAL GABLES, FLORIDA 33134

LHD 2003-18  
FEBRUARY 19, 2004  
APRIL 15, 2004

## DESIGNATION REPORT RESIDENCE, 1044 CORAL WAY

Date of Construction: 1910  
Architect: Unknown  
Legal Description: Lot 1 and the west 32 feet of Lot 2 Block 11 Coral Gables Section "A"  
Plat Book and Page: 5-102  
Original Permit Number: 55  
Original Owner: Worth St. Clair  
Present Owner: Waldo Toyos and Jemima C Toyos  
Present Use: Residence  
Zoning Classification: R-14  
Site Characteristics: The property is located on the southeast corner of the intersection of Coral Way and Cordova Street. The main elevation of the residence is facing north onto Coral Way.

### BACKGROUND

On August 15, 2004 the Historical Resources Staff received a Historic Significance Request for the potential demolition of this residence (attached). Staff contacted the architect and potential buyer of the property to advise them of the significance of the property. Attached is a letter dated September 3, 2003 advising Mr. Marshall Bellin that the local historic designation hearing for this property had been tentatively scheduled for September 25, 2003. Since that time, Staff has been working with the present owner, Waldo Toyos, on plans for an addition to the residence. This report is for only the designation of the property as a local historic landmark. The plans for an addition to the residence will be presented to the board at a later date.

### **SUMMARY STATEMENT OF SIGNIFICANCE**

1044 Coral Way is among the first residences to be constructed on Coral Way. Constructed prior to 1924, the home was constructed for Worth St. Clair and his wife Emma Merrick, sister to Reverend Solomon G. Merrick (George Merrick's father). It remained a family home until 1955-1956, when Worth St. Clair's second wife Lillian Hampton Merrick, Solomon Merrick's cousin died.

The structure is an excellent example of Florida Masonry Vernacular architecture, which was based on the Bungalow architectural typology. The designer's and architect's name(s) are unknown at this time.

### **CRITERIA FOR SIGNIFICANCE**

I. *Historic, Cultural Significance:*

*Is associated in a significant way with the life or activities of a major historic person important in the past; Coral Gables Zoning Code Section 31-2.4(a)(1) or*

II. *Architectural Significance:*

*Embody those distinguishing characteristics of an architectural style, or period, or method of construction. Coral Gables Zoning Code Section 31-2.4(b)(1) or*

*Contains elements of design, detail, materials or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the South Florida environment. Coral Gables Zoning Code Section 31-2.4(b)(4)*

The one and a half story Masonry Vernacular building was constructed for Worth St. Clair and his wife Emma Merrick. Although, permit number 55 was issued in 1924 archived photographs provide evidence that the home was constructed earlier than indicated. As one of the first homes on Coral Way, the residence at 1044 Coral Way is an excellent example of the type of homes that the pioneering families inhabited while the City was developing.

Based on the Bungalow typology, the structure has a long porch that is parallel to the width of the home. Simple square chamfered columns define the porch and wrap around to the sides of the building. The screened areas on the east and west sides of the porch have since been altered and enclosed with glazing. The hip roof is symmetrical in plan and has one dormer on each of the four sides. The roof tile is original.

Limestone, a local building material, was used to form the base of the building and is a notable feature of the residence. The first floor is elevated about the ground perhaps to avoid flooding, a common problem in the early days of South Florida before the Everglades were drained. The solid construction of the thick coral rock walls keeps the house cool as does the design of the porch. The design of this house is similar to the Coral Gables Merrick House, the boyhood home of George Merrick. Both structures reflect an attention to detailed craftsmanship found in Florida pioneer homes and at the same time is suitable to the balmy climate.

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February 19, 2004  
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To the southwest of the property at the end of the circular driveway is a one-story, one-car garage structure.

Worth St. Clair (sic. Claire) (b. about 1878 d. 1952) and his wife Emma Merrick (b. about 1870 d. 1925) arrived from Baltimore Maryland in 1910. Mr. St. Clair assisted the Reverend Solomon Merrick with the fruit farming on the plantation until 1916. It was that year his association with George E. Merrick's real estate ventures officially began. Integrated into the development team, Worth St. Clair was in charge of the construction of *Riverside Farms, North Miami Estates, South Bay Estates, and Twelfth Street Manors*.

Besides his involvement with George Merrick's developments, he took over "The Coral Gables Garage" in 1924. Identified at the time as the first modern business building in the City, the garage operated on the southeast corner of Alhambra Circle and Salzedo Street. By 1926, the property had grown to be an entire block long and was the local facility for Hudson Brougham and Essex cars.

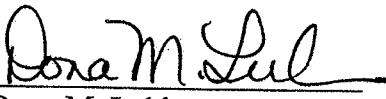
#### ADDITIONS / ALTERATIONS

The residence has undergone minor alterations. By the end of the 1940's the screened porch on the east was extended to towards the front and was eventually enclosed. Additionally, several windows and doors throughout structure have been replaced.

#### STAFF RECOMMENDATION

The residence at 1044 Coral Way has retained its integrity as an example of the Florida Masonry Vernacular architecture that was derived from the Bungalow building typology. Because of its direct association with the Merrick family, as one of the earliest homes in the City of Coral Gables, and its architectural adaptation to the South Florida climate, the staff finds the property at 1044 Coral Way eligible for listing in the Coral Gables Register of Historic Places.

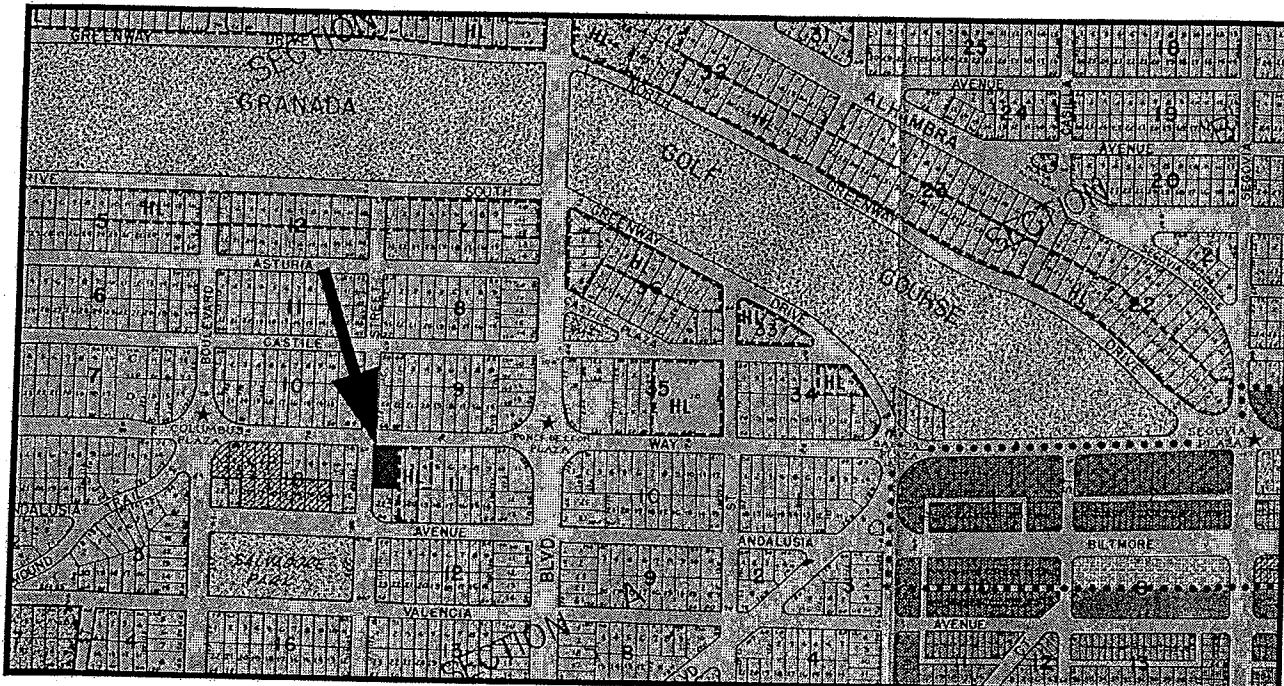
Respectfully submitted,

  
Dona M. Lubin  
Historical Resources Director

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### Bibliography

Building Microfilm Records for 1044 Coral Way, Building and Zoning Department, Microfilm Division, Coral Gables, Florida.  
Coral Gables Use& Area Map, City of Coral Gables, June 1997, Plate No. 2  
Miami Rivera, 1955  
Miami Riviera, 1924  
Miami Riviera, 1926  
Real Estate Map, private collection of Aristedes Millas  
Written Correspondence with "Skipper" Hill  
Genealogy database, <http://www.ancestry.com/trees>: Lists compiled by Kelly Robinson and Jill Bennett



Location Map

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### REVIEW GUIDE

**Definition:** The Review Guide lists some of the more prominent features which contribute to the overall character of a structure and/or district. It is not intended to be all-inclusive, as photographic documentation fully illustrates the present physical character of the property.

**Use:** The Review Guide may be used to address the impact of new construction, additions/modifications/alterations and/or renovations which may become the subject of some future Certificate of Appropriateness consideration....and

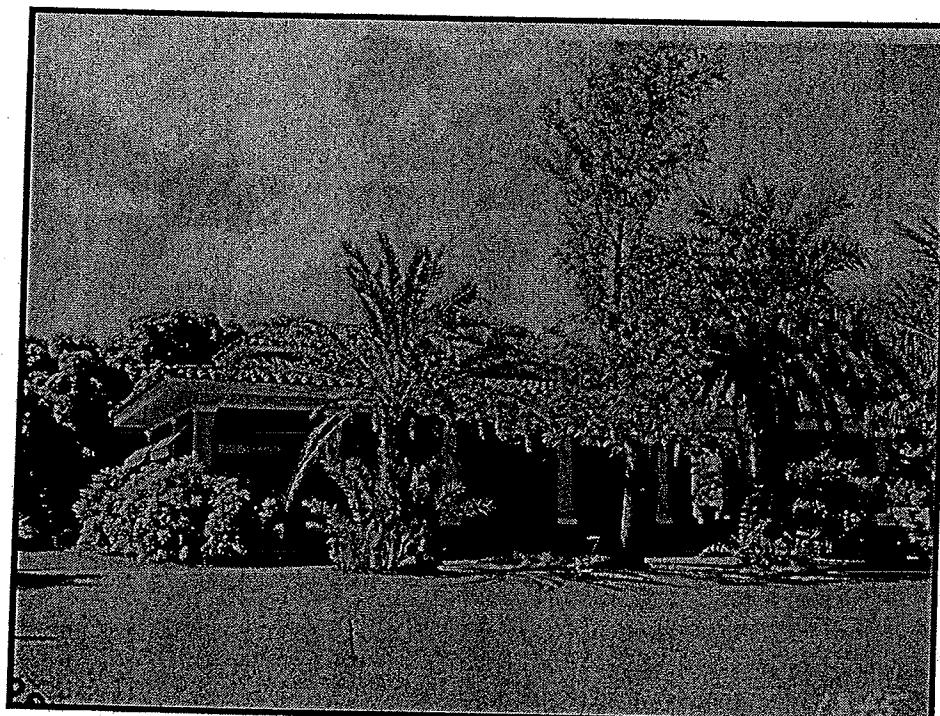
The Review Guide by describing EXISTING physical characteristics may be used to determine whether or not elements which create the character of the structure and/or district is present and/or whether or not later additions or alterations have so changed that character so as to cause the property(ies) to become ineligible for listing.

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Residence Address: 1044 Coral Way

Date of Construction: c. 1923

Construction Material: masonry covered with stucco, barrel tile

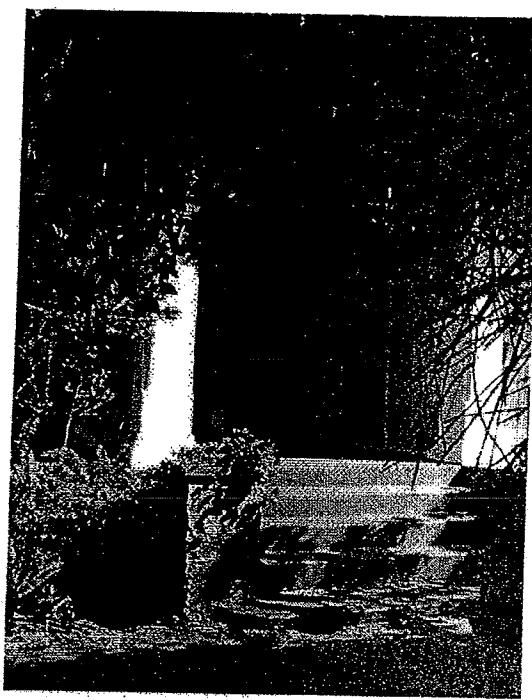
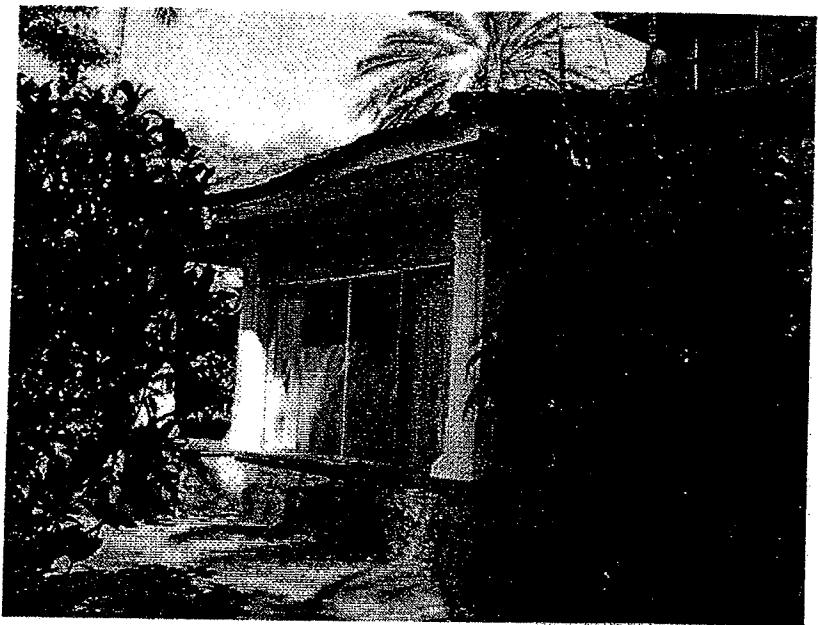


Photograph 1940's

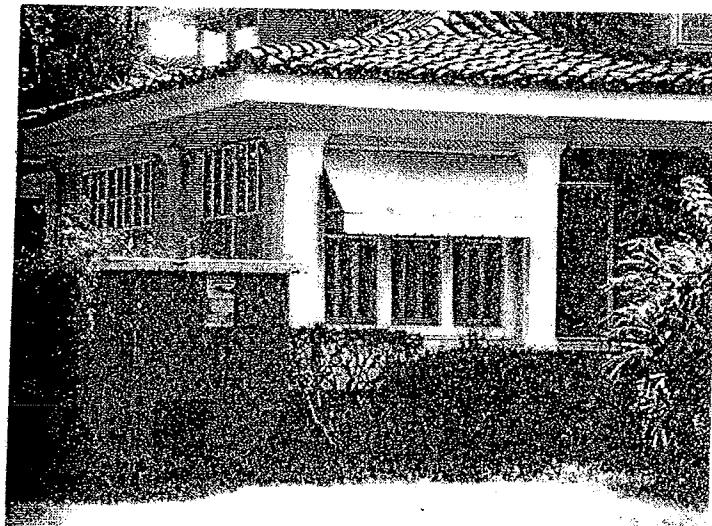
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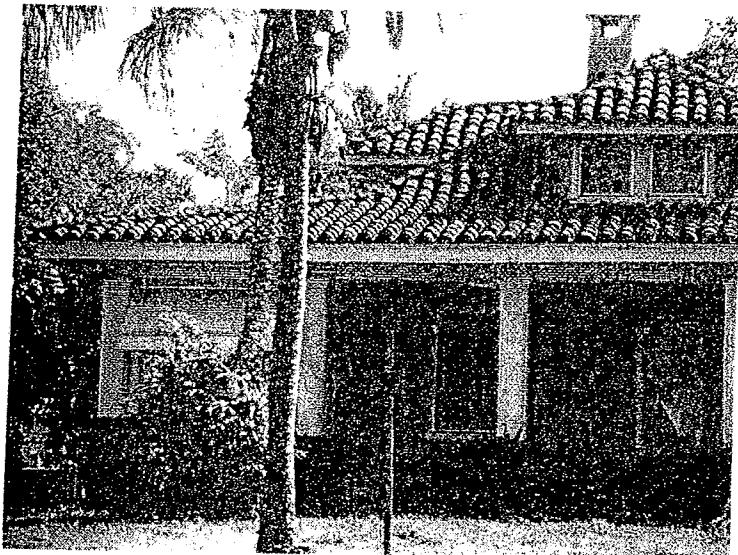


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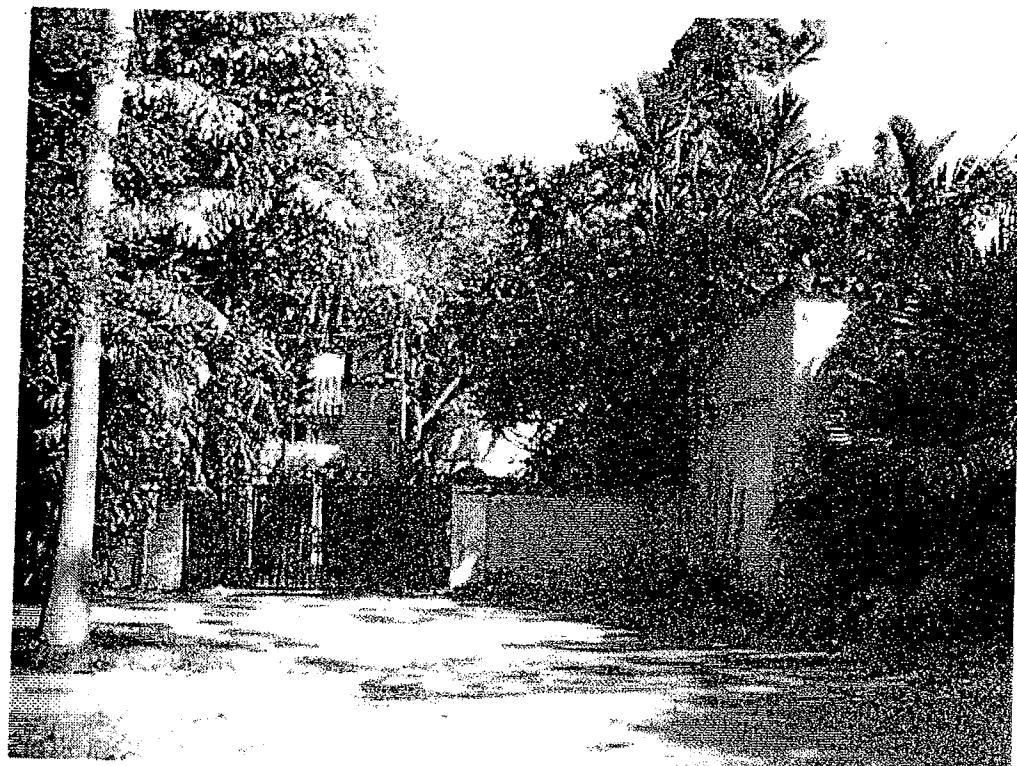
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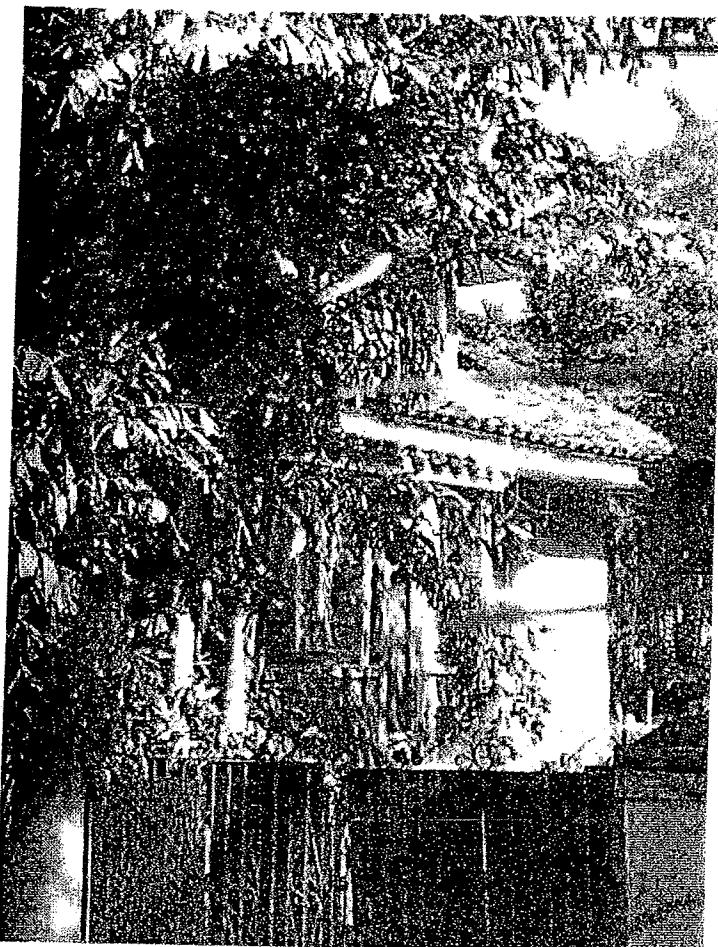
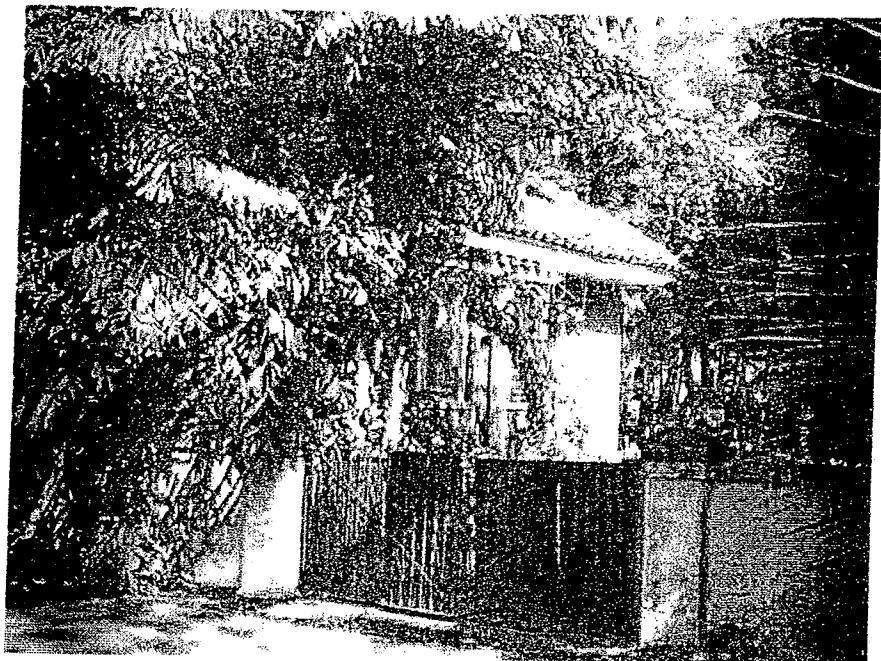
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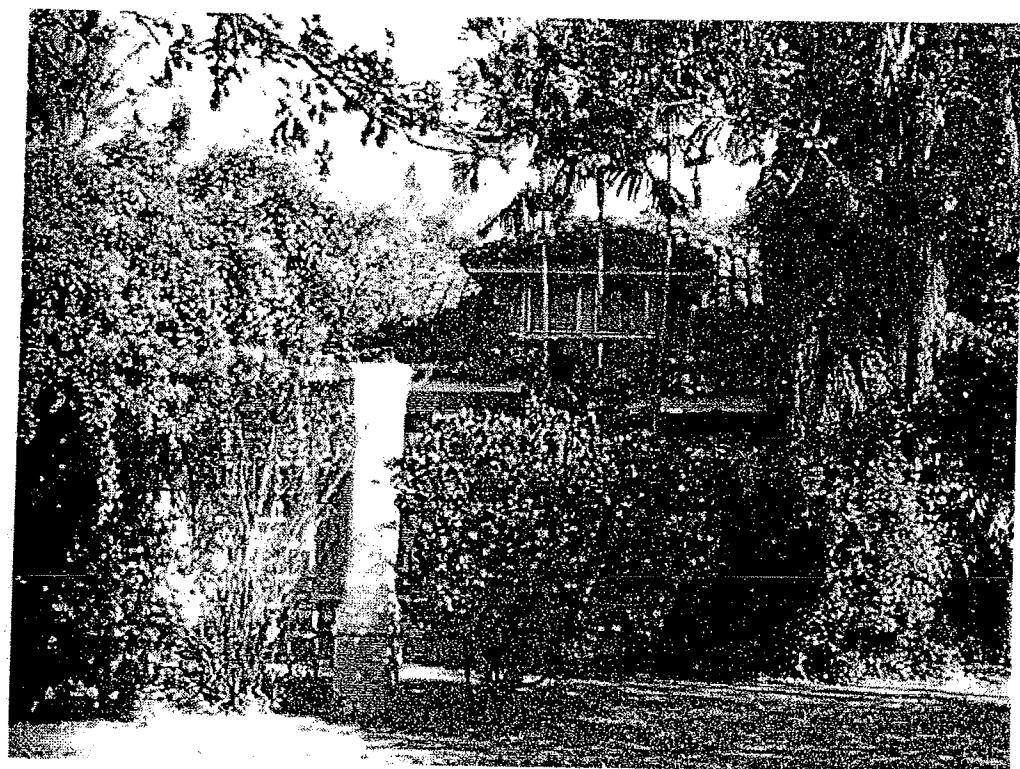
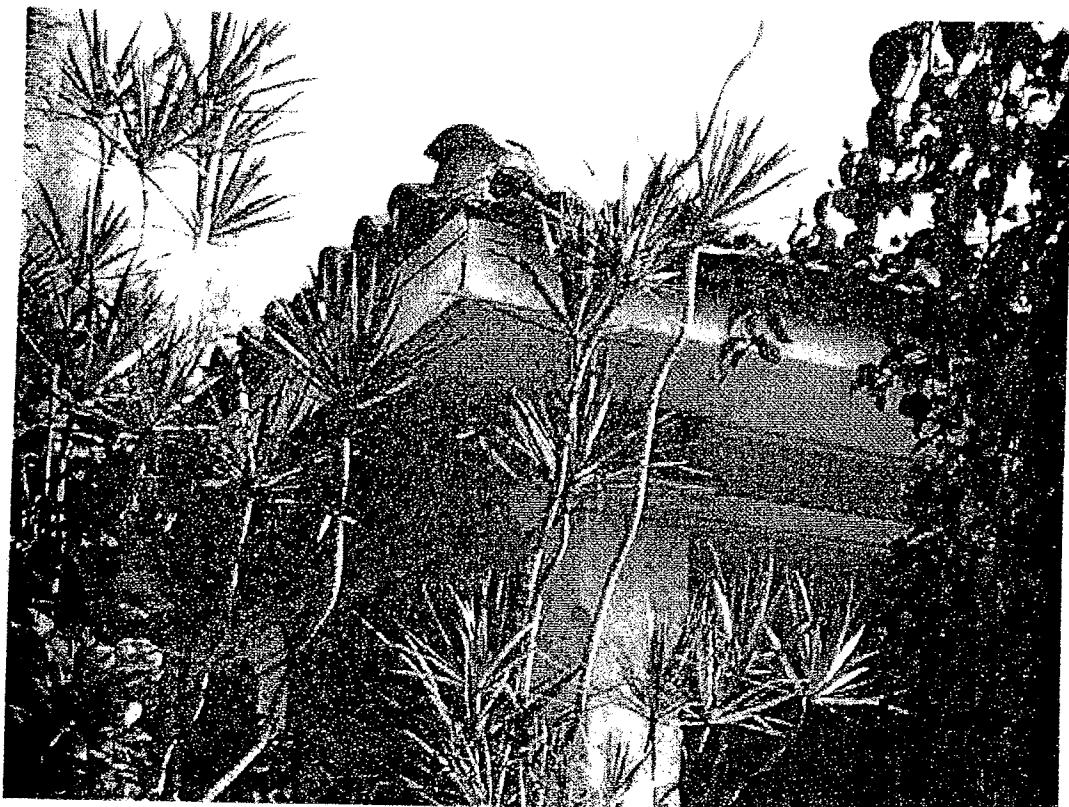
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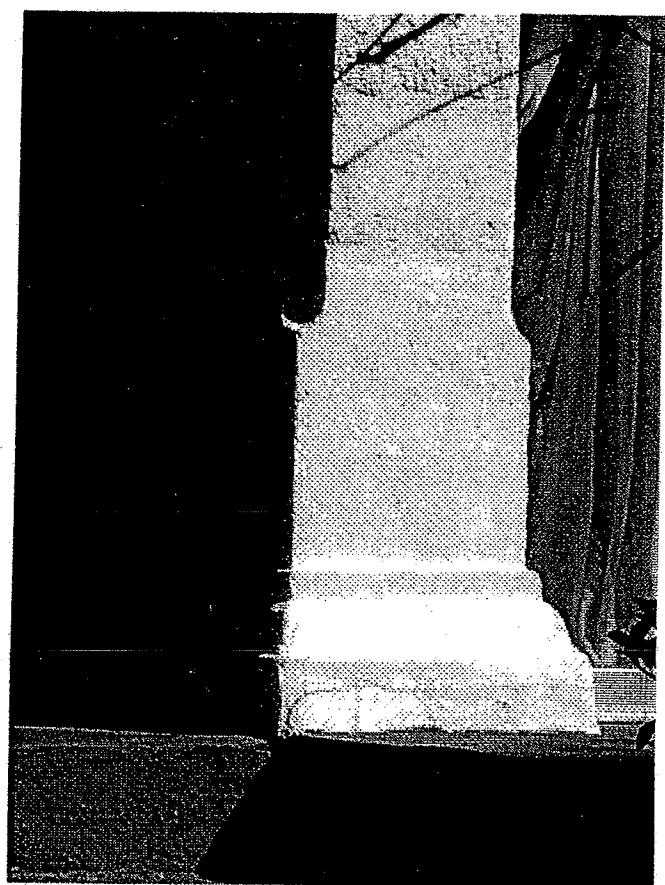
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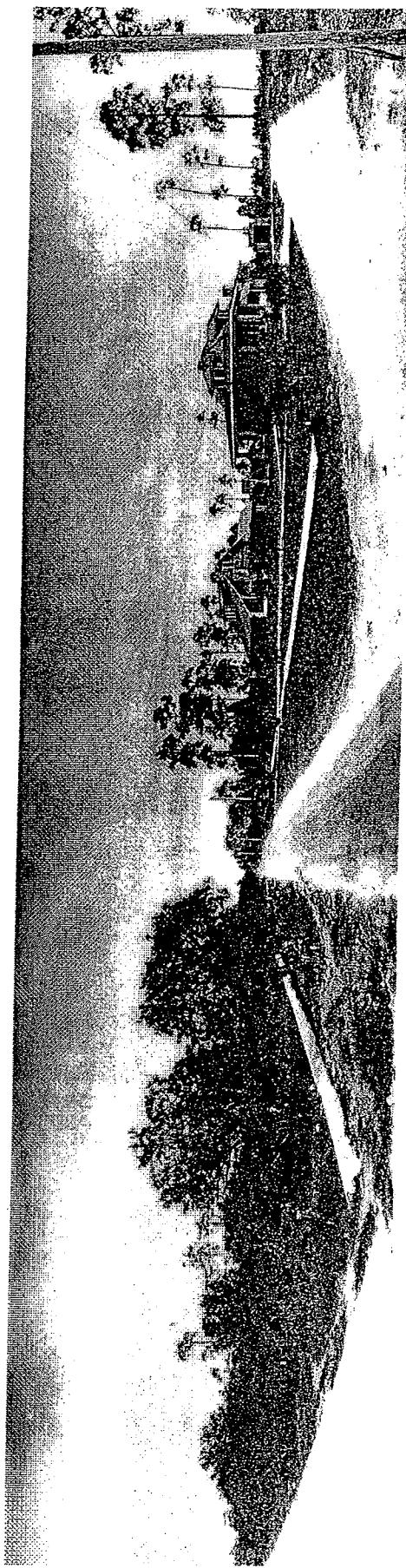
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# The City of Coral Gables

## Historical Resources Department

2327 SALZEDO STREET  
CORAL GABLES, FLORIDA 33134

April 28, 2004

Waldo Toyos  
832 Cortez Street  
Coral Gables, Florida 33134

Re: Local Historic Designation  
Lot 1 and the W 32 Ft of Lot 2, Block 11,  
Coral Gables Section "A"

Dear Mr. Toyos.:

This letter is to confirm the results of the Historic Preservation Board meeting of Thursday, April 15, 2004. The Board met to review a request for Local Historic Designation of the property located at 1044 Coral Way. The property is legally described as Lot 1 and the W 32 Ft of Lot 2, Block 11, Coral Gables Section "A".

We are pleased to inform you that the Historic Preservation Board found that the property is significant to Coral Gables history and thus deemed it a historic landmark, listing it on the Coral Gables Register of Historic Places. As a result, any plans for modifications to your property should first be submitted to the Historical Resources Department for review. A copy of the Board's resolution will be forwarded as soon as it is available.

We have also enclosed for your information a copy of Ordinance No. 3027, concerning Tax Exemptions for Historic Properties and information on how to order the ceramic "landmark" plaque in the event you wish to purchase one. Please note that tax exemption does not result solely from historic designation and requests for Ad Valorem Tax Relief must receive preliminary approval prior to the onset of construction.

We look forward to working with you in the future and should you have questions, feel free to contact the Historical Resources Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Simone C." followed by a stylized surname.

Simone Chin  
Historic Preservation Administrator

cc: File LHD 2003-18

Elizabeth Hernandez, City Attorney

Waldo Toyos, 1044 Coral Way, Coral Gables, Florida 33134

Paul Aiello, The Ingram Building, 25 SE 2nd Avenue, Suite 808, Miami, FL 33131

Marshall Bellin, 285 Sevilla Avenue, Coral Gables, FL 33134

Walter J. Foeman, City Clerk

Alberto Delgado, Public Works Director

Margaret Pass, Building and Zoning Director

Eric Riel, Jr., Planning Director

Jay Bast, GIS Coordinator via Gee Ming Chow, IT Director

Lemay Ramos, IT Analyst via Gee Ming Chow, IT Director



# The City of Coral Gables

Historical Resources Department  
2327 SALZEDO STREET  
CORAL GABLES, FLORIDA 33134

## CORAL GABLES HISTORIC PRESERVATION BOARD

Minutes of April 15, 2004

City Commission Chambers

405 Biltmore Way, Coral Gables, Florida

### MEMBERS:

	J	F	M	M	A	M	J	J	A	S	O	N	D
Gay Bondurant	P	P	P	P	P								
Ernesto Santos	P	P	P	E	P								
Kendell Turner	P	P	P	P	P								
Edmund Parnes	P	P	P	P	E								
John Fullerton	P	P	P	E	P								
Joyce Meyers	A	P	E	P	P								
Lisa Bennett	P	E	P	E	P								
Shirley Maroon	E	P	P	P	P								
Michael Beeman	P	P	E	P	P								

Mayor Donald D. Slesnick, II

Commissioner Maria Anderson

Commissioner William H. Kerdyk, Jr.

Commissioner Rafael "Ralph" Cabrera, Jr.

Vice Mayor Wayne "Chip" Withers

City Manager

City Commission

City Commission

Historic Preservation Board

### STAFF:

Dona M. Lubin, Historical Resources Director  
Simone Chin, Historic Preservation Administrator

A = Absent

P = Present

E = Excused

Recording Secretary: Nancy Morgan, Coral Gables Services, Inc.

Guests: Marshall Bellin, Alfredo Pou, Callum Gibb, Glenn H. Pratt, Ileana Varela/Alberto Rodriguez, Howard Umansky, Jennifer Murphy, Bruce Arthur

The meeting was called to order by Ms. Bondurant at 4:07 p.m. A quorum was present.

**APPROVAL OF MINUTES:** Emergency meeting of March 2, 2004 and regular meeting of March 18, 2004:

Ms. Turner made a motion to approve the March 18, 2004 regular meeting minutes and the March 2, 2004 emergency meeting minutes. Ms. Maroon seconded the motion, which was approved by voice vote. Absent from the vote but present later in the meeting were Ms. Meyers and Mr. Beeman.

### DISCLOSURE STATEMENT and DISCLOSURE OF CONTEXT:

Vice Chair Gay Bondurant read for the record the statement regarding lobbyist registration and disclosure. She then stated that if any members of the board had any ex parte communication or contact regarding any cases being heard, it was necessary to disclose such communication or contact. Board members did not indicate that any such communication occurred.

Coral Gables Historic Preservation Board Meeting Minutes

April 15, 2004

Continued

**DEFERRALS/WITHDRAWALS:**

Ms. Lubin reported that Case File COA (SP) 2004-05, 1117 Asturia Avenue, was deferred.

**SWEARING IN OF THE PUBLIC:**

Nancy Morgan swore in members of the audience who planned to testify during the meeting.

**LOCAL HISTORIC DESIGNATION:**

**CASE FILE LHD 2003-18:** Consideration of the local historic designation of the property at 1044 Coral Way, legally described as Lots 1 and the west 32 feet of Lot 2, Block 11, Coral Gables Section "A".

Ms. Lubin explained that this application was deferred from the February Board meeting as she displayed photographs of the residence. She spoke about the property's recent history, stating that in August 2004 staff received a historic significance request for the potential demolition of the property. Staff contacted the architect and potential buyer of the property to advise them of its significance. She called attention to the correspondence regarding the issue.

Since that time, Ms. Lubin continued, staff has worked with the current owner on plans for an addition to the structure. When the application was deferred from the February meeting, it was agreed that the owner would return to the Board with plans for an addition. However, Ms. Lubin stated, they have not yet submitted plans for an addition. Therefore, today's application seeks designation as a local historic landmark, and not for an addition. Plans for an addition will be submitted at a later date.

Ms. Lubin continued by displaying past and present photographs and describing the history of the property, stating it is very similar to Merrick House. She stated that the application is proceeding without the owners' consent, and that staff recommends approval of the designation. The owners were not present at the meeting; however, their architect, Glenn Pratt, was in attendance.

Ms. Bondurant invited Mr. Pratt to address the Board.

Mr. Pratt introduced himself and briefly described conceptual plans for the residence as well as original construction materials. However, since the addition was not part of the application, further discussion was not held, and the public hearing was closed when no one else requested to speak.

**Ms. Turner made a motion to approve the local historic designation of 1044 Coral Way. Mr. Santos seconded the motion.**

**Roll Call: Ayes: Mr. Santos, Ms. Turner, Ms. Bennett, Ms. Maroon, Ms. Bondurant. Nays: None. Absent from the vote: Mr. Fullerton, Mr. Beeman, Ms. Meyers.**

**CASE FILE LHD 2004-01 and COA (SP) 2004-03:**

Consideration of the local historic designation of the property at 1328 Castile Avenue, legally described as Lot 4 and the North 1.5 feet of Lot 19, Block 8, Coral Gables Section "E" with an application for the issuance of an Accelerated Special Certificate of Appropriateness. The accelerated application is requesting design approval for the alteration of the existing structure and the construction of an addition. A variance has also been requested for total side setback.



CFN 2005R071298  
DR Bk 23556 Pgs 1225 - 12271 (3  
RECORDED 07/11/2005 11:05:44  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

HISTORIC PRESERVATION BOARD  
CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. HPR22-LHD2003-18

A RESOLUTION DESIGNATING THEREON AS A LOCAL HISTORIC LANDMARK, THE PROPERTY AT 1044 CORAL WAY, LEGALLY DESCRIBED AS LOT 1 AND THE WEST 32 FEET OF LOT 2, BLOCK 11, CORAL GABLES SECTION "A"; AND REPEALING ALL RESOLUTIONS INCONSISTENT HEREWITH.

WHEREAS, a public hearing of the Coral Gables Historic Preservation Board was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard; and

WHEREAS, Article 31 of the "Coral Gables Zoning Code" states that if after a public hearing the Historic Preservation Board finds that the proposed local historic landmark or proposed local historic landmark district meets the criteria set forth, it shall designate the property as a local historic landmark or local historic landmark district; and

WHEREAS, 1044 Coral Way is among the first residences to be constructed on Coral Way; and

WHEREAS, 1044 Coral Way was constructed prior to 1924, and the home was constructed for Worth and Emma Merrick St. Clair; and

WHEREAS, Emma Merrick St. Clair was the sister of Reverend Solomon G. Merrick, father to George Merrick; and

WHEREAS, 1044 Coral Way remained a family home until 1955 when Worth St. Clair's second wife Lillian Hampton Merrick, Solomon Merrick's cousin, died; and

WHEREAS, 1044 Coral Way is an excellent example of Florida Masonry Vernacular architecture which was based on the Bungalow architectural typology; and

WHEREAS, 1044 Coral Way satisfies the "historic, cultural significance" as stated in Section 31-2.4 of the Coral Gables Zoning Code because it is associated in a significant way with the life or activities of a major historic person important in the past; and

WHEREAS, 1044 Coral Way satisfies the "architectural significance criteria" as stated in Section 31-2.4 of the Coral Gables Zoning Code because it embodies those distinguishing characteristics of an architectural style, or period, or method of construction; it contains elements of design, detail, materials or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the South Florida environment; and

WHEREAS, it is the policy of the City of Coral Gables to preserve its architectural heritage by designating certain properties as local historic landmarks/districts; and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this board that the subject property meets the criteria set forth in Article 31 of the "Zoning Code of the City of Coral Gables, " and approved that it be designated as a "Local Historic Landmark", and

WHEREAS, the planning Director and or the Director's designee has determined that there is no effect on the City's Comprehensive Plan or any other adopted planning and zoning policies; and

WHEREAS, the legal description of the property is as follows: 1044 Coral Way, Lot 1 and the west 32 feet of Lot 2, Block 11, Coral Gables Section "A"; and

WHEREAS, a Designation Report, Case File LHD2003-18, prepared by the Historical Resources Director containing information on the historic, cultural and architectural significance of the property and which incorporates a Review Guide for use as a reference in determining the impact of future building permits, shall by reference be made part of this resolution; and

WHEREAS, a motion to approve the application was offered by Kendell Turner, and seconded by Ernesto Santos, and upon a poll of the members present the vote was as follows:

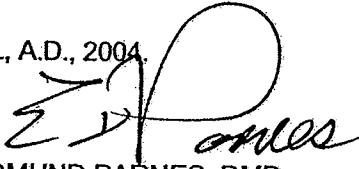
<u>Board Member</u>	<u>Vote</u>
Lisa Bennett	Aye
Michael Beeman	Absent from vote
Gay Bondurant	Aye
John Fullerton	Absent from vote
Shirley Maroon	Aye
Joyce Meyers	Absent from vote
Edmund Parnes, DMD	Excused
Ernesto Santos	Aye
Kendell S. Turner	Aye

NOW THEREFORE BE IT RESOLVED, by the Historic Preservation Board of the City of Coral Gables that the Historic Preservation Board on April 15, 2004, has designated 1044 Coral Way, Coral Gables, Miami-Dade County as a Local Historic Landmark pursuant to the City of Coral Gables Historic Preservation Ordinance – Article 31 or the Coral Gables Zoning Code and the property is subject to all rights and privileges and requirements of that ordinance.

BE IT FURTHER RESOLVED, that this designation is predicated on all the above recitations being true and correct and incorporated herein, but if any section, part of section, paragraph, clause, phrase or word of this Resolution is declared invalid, the remaining provisions of this Resolution shall not be affected.

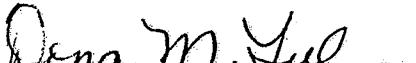
Any aggrieved party desiring to appeal a decision of the Historic Preservation Board shall, not less than five (5) days and within fourteen (14) days from the date of such decision, file a written Notice of Appeal with the City Clerk.

PASSED AND ADOPTED THIS FIFTEENTH DAY OF APRIL, A.D., 2004.



EDMUND PARNES, DMD  
CHAIRMAN, HISTORIC PRESERVATION BOARD

ATTEST:



DONA M. LUBIN  
HISTORIC LANDMARK OFFICER

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

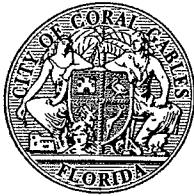
  
ELIZABETH M. HERNANDEZ, CITY ATTORNEY

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I, HEREBY CERTIFY that the foregoing  
is a true and correct copy of the original  
on file in this office.

Date: 

City Clerk: 



## The City of Coral Gables

### Historical Resources Department

2327 SALZEDO STREET  
CORAL GABLES, FLORIDA 33134

### CORAL GABLES HISTORIC PRESERVATION BOARD MEETING MINUTES

October 19, 2006, 4:00 p.m.

City Commission Chambers

405 Biltmore Way, Coral Gables, Florida

MEMBERS:	N	D	J	F	M	A	M	J	J	A#	A	S	O	APPOINTED BY:
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Gay Bondurant	P	P	P	P	P	P	E	P	P	P	P	P	P	Mayor Donald D. Slesnick, II
Ernesto Santos	P	P	P	E	P	P	P	P	P	P	P	P	P	Vice Mayor Maria Anderson
Edmund Parnes	P	P	P	E	P	P	P	P	P	P	P	E	E	Comm. Rafael "Ralph" Cabrera, Jr.
Catherine Stewart*														Comm. William H. Kerdyk, Jr.
John Fullerton	P	P	P	P	E	P	P	P	P	P	P	P	E	Comm. Wayne "Chip" Withers
Michael Beeman	P	P	P	P	P	P	E	P	P	P	P	P	P	Historic Preservation Board
Joyce Meyers	P	P	P	P	P	P	A	P	P	P	P	P	P	City Manager David Brown
Lisa Bennett	P	P	P	E	P	P	P	P	P	E	E	P	P	City Commission
Shirley Maroon	P	P	P	P	P	P	P	P	P	P	P	E	P	City Commission

A = Absent

P = Present

E = Excused

\* = New Member

# = Special Meeting

### STAFF:

Kara N. Kautz, Historical Resources Officer  
Simone Chin, Historic Preservation Administrator  
Betty Perez, Historical Resources Department  
Rodney Carbonell, Historical Resources Department

**GUESTS:** Lourdes Alfonsin-Ruiz, Assistant City Attorney; Michael Ellingwood, Jose Martinez, Robert Briele, Marshall Bellin, Glenn Pratt, Mr. and Mrs. Waldo Toyos, Albert Poza, Kim and Louis Duncanson, Max Strang, Jorey Friedman

**RECORDING SECRETARY:** Nancy C. Morgan, Coral Gables Services, Inc.

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The meeting was called to order by Chair Gay Bondurant at 4:05 p.m. A quorum was present.

### ATTENDANCE RECORD:

**Ms. Bennett made a motion to excuse the absence of Dr. Parnes and Mr. Fullerton. Ms. Meyers seconded the motion, which passed by voice vote.**

### MINUTES OF THE SEPTEMBER 21, 2006 MEETING:

**Mr. Beeman made a motion to approve the minutes of the September 21, 2006 meeting. Mr. Santos seconded the motion, which passed unanimously by voice vote.**

### DISCLOSURE STATEMENT and DISCLOSURE OF CONTEXT:

Ms. Bondurant read for the record the statement regarding lobbyist registration and disclosure. She then stated that if any members of the board had any ex parte communication or contact regarding any cases being heard, it was necessary to disclose such communication or contact. Board members did not indicate that any such communication occurred.

Special Certificate of Appropriateness – Case File COA (SP) 2000-05 was granted design approval on September 12, 2000 by the Historic Preservation Board

Ms. Kautz said that this application represented the completion of work done to restore the property. She reviewed the history of the property and all internal and external renovations, changes and additions as photographs were displayed via Powerpoint. At the conclusion of her presentation, she introduced homeowner Robert Briele, who spoke briefly with the Board and responded to questions.

At the conclusion of discussion, Ms. Bondurant invited comments from the audience. Hearing no requests to speak, she closed the public hearing.

~~Ms. Maroon Beeman made a motion to approve the request for a colormap tax relief. Mr. Beeman seconded the motion.~~

~~Roll Call: Ayes: Ms. Meyers, Mr. Santos, Ms. Maroon, Ms. Stewart, Mr. Beeman, Ms. Bennett, Ms. Bondurant, No: None~~

#### SPECIAL CERTIFICATE OF APPROPRIATENESS:

##### CASE FILE COA (SP) 2006-13 Continued:

An application for the issuance of a Special Certificate of Appropriateness for the property at 1044 Coral Way, a local historic landmark, legally described as Lot 1 and the west 32 feet of Lot 2, Block 11, Coral Gables Section "A". The applicant requested approval for the demolition of the existing structure. (This case was reviewed by the Historic Preservation Board at a public hearing held on August 17, 2006.)

Ms. Kautz recalled that during the meeting of August 17, 2006, the Board moved that the applicant return to the Board with a set of conditions to grant the Special Certificate of Appropriateness, and read from the August minutes. She pointed out the submittals required of the applicants by the Board, copies of which were included in Board packets. In addition, she stated, the City hired a structural engineer (Douglas Wood) to conduct an assessment, a copy of which was distributed to each Board member. Architects for the project, Marshall Bellin and Glenn Pratt, were present and requested to speak to the Board about one of the requirements.

Ms. Bennett initiated discussion with Ms. Kautz about the documents, photographs and reports. The assessment of Mr. Wood regarding the instability of the house and difficulty of working at the property was discussed. Ms. Alfonsin-Ruiz reported that the City has been diligently working on this case, culminating with the engineer assessing the property a few days previous. In the City's estimate, she continued, the applicant has complied with all requirements. She described numerous meetings and discussions that have occurred over recent weeks. Ms. Alfonsin-Ruiz stated that there is no current demolition by neglect in the code, and said that fines of approximately \$300,000 are still outstanding. The case will be heard by the Ticket Officer on November 3<sup>rd</sup>.

Ms. Kautz confirmed that the applicant was requesting demolition of the house on the historic site. The City's position, she stated, was one of satisfaction with the compromise that has occurred regarding the front facade being replicated to match the existing one, and working with the applicant to determine what is acceptable behind the main house. Eventually, the new plan will be presented to the Board for approval because the entire property is designated historic.

Mr. Pratt said they hoped the Board might gain awareness of some difficulties the architects were experiencing trying to incorporate the façade of the house into the design for the new house, to explain what they were trying to accomplish and to explore possible new directions.

A lengthy discussion followed among Board members, Mr. Pratt, Mr. Bellin, Ms. Alfonsin-Ruiz and Ms. Kautz as numerous issues were addressed related to the demolition, difficulties in reproduction of specific areas of the existing

house, design of the new house, replication of the original house, and salvaging as much as possible for use in constructing the new house.

Mr. Beeman made a motion to allow the demolition of the property with the understanding that as much as possible be salvaged from the ruins, saved and secured to be used in the future home. Ms. Maroon seconded the motion. Mr. Beeman amended his motion to require the owners of the property, in resubmitting the new plans for the new home, to be as sensitive to the Board's request to identify the front and side façades as much as possible. Ms. Maroon agreed to the amendment. Mr. Beeman and Ms. Maroon withdrew their amendment. Ms. Bennett amended the motion for the Board to grant the motion to demolish the property with the understanding that the original historic building would be re-created unless the Board agrees to a lesser solution when they see the specific plans with additions. Both Mr. Beeman and Ms. Maroon agreed to Ms. Bennett's amendment.

Discussion continued, with Mr. and Mrs. Toyos joining in. Points made:

- Board comments: Ensure clear understanding of the importance of the issue of recreating the second oldest house in Coral Gables' history. Amplify that the job is to recreate 100% of the façade of the original house, with the onus on the applicant to demonstrate to the Board how anything less than 100% would be made acceptable to the Board. Square footage is a problem.
- Staff: Recreation of the original house as a starting point was not necessarily what the applicant was led to believe at the last meeting.
- Mrs. Toyos: The house is an eyesore and a safety issue. They want to move forward, and will work with the Board to do as much as possible to recreate the façade of the house. The remainder of the house will be difficult to reconstruct as the original if it is going to meet the Toyos' family needs. The new design includes the replication of the front façade of the house. Other options will be presented to the Board for input and approval after the design process moves forward.
- Architects: We will work with the City to determine the best way to incorporate original materials in the new structure.
- Mr. Toyos: Allow the architects to prepare options for designing the new house and bring it back for review. Instead, today, focus on the demolition so the project can move forward.

**Roll Call: Ayes: Ms. Maroon, Ms. Meyers, Mr. Santos, Ms. Stewart, Mr. Beeman, Ms. Bennett, Ms. Bondurant. Nays: None.**

**CASE FILE COA (SP) 2006-15:**

An application for the issuance of a Special Certificate of Appropriateness for the property at 1004 Cotorro Avenue, a contributing structure within the "French City Village Historic District", legally described as Lots 9 and 10, Block 145, Revised Plat of Coral Gables Riviera Section Part Nine. The applicant requested design approval for the construction of additions and alterations to the existing structure. Variances have been requested from the Coral Gables "Zoning Code" Interim Single Family Residence Regulations for the maximum square foot floor area ratio and the minimum height of a parapet.

Ms. Kautz reported that the applicant was no longer requesting a variance for the minimum height of a parapet. As she conducted a Powerpoint presentation and displayed photographs of the property, she explained its history. At the conclusion of her presentation, she introduced project architect Albert Poza to explain the proposal.

Mr. Poza described the house, the application and the features, some of which, he said, were not functional for everyday life. As drawings were displayed, he explained how the changes to facilitate function were incorporated in the design. When he finished speaking, Ms. Bondurant invited other members of the audience to speak for or against the application. Hearing no responses, she closed the public hearing.

Board members entered in discussion with the architect, covering topics that included:

- A suggestion was made to work with staff to reconfigure the pool area to make it less competitive with the house.

PROPERTY ADDRESS AND OTHER INFORMATION:		1044 Coral Way	
1044 Coral Way		Constructed: c. 1910	Designated: Date: April 15, 2004
<b>Legal Description:</b> Lot 1 and the west 32 feet of Lot 2, Block 11, Coral Gables Section "A"		Architect: unknown	Resolution: HPB22-LHD2003-18
		<b>TYPE OF FACILITY:</b> residence	Plat Book and Page Number: 5-102
WORK PROPOSED		ACTION BY HISTORIC PRESERVATION BOARD	ACTION BY CITY COMMISSION
LHD 2003-18 Local Historic Designation		Deferred February 19, 2004  Approved April 15, 2004	
COA (SP) 2004-17 Addition/renovation		Deferred by applicant August 19, 2004  Deferred by applicant September 20, 2004  Deferred by HPB with suggestions November 15, 2004  January 20, 2005 A motion to approve the design and the requested variances failed. The members of the Historic Preservation Board however passed a motion to waive the one-year limitation related to the determination of the variance as specified in Section 24-10 of the "Zoning Code".  Included with this letter is a copy of due dates and a new application, should the applicant wish to pursue a design for alterations and an addition to the historic building	
Temporary fence		Permit application signed May 9, 2006	
Presentation of unsafe structures letter from the Building Official		June 15, 2006	
Motions passed by the Historic Preservation Board 1) The Board passed a motion for the City of Coral Gables to hire/retain a Forensic Engineer to inspect the property at your expense  2) The Board passed a motion requesting the property owner permission for the building officials to go onto the property  3) The Board passed a motion for the City to hire/retain a company to document the building, as much as possible, to date in the effort to record the building at your expense. This would provide data to aid in the reconstruction if possible.	June 15, 2006		

<p>COA (SP) 2006-13 Request for demolition</p>	<p>August 17, 2006 (Pending approval granted with conditions) A motion was passed "to approve staff recommendation pending receipt of more information: more supporting architectural drawings, photographs, structural report and forensic report so that we (the Board) can be more certain that what we (the Board) are going to get with the new structure is what we (the Board) are looking for and to be brought back next month at next meeting."</p> <p>October 19, 2006 A motion was passed to "allow the demolition of the property with the understanding that as much as possible be salvaged from the ruins, saved and secured to be used in the future home" and "with the understanding that the original historic building would be re-created unless the Board agrees to a lesser solution when they see the specific plans with additions."</p>	
<p>COA (SP) 2007-13 Construction of a new residence and the installation of at-grade improvements.</p>	<p>June 21, 2007 1) Simplify the front wall; 2) Simplify the wall at the front courtyard; 3) Simplify the Cordova Street façade; 4) Refine/detail the landscape and at-grade features; 5) Windows on the front porch should be sash windows that are reflective of the original units; 6) Alter the dormer windows to reflect the proportions of the original units, which were square; 7) Submit the revisions to staff for administrative approval. The Board also noted that should the revisions be to the extent that they significantly alter the design as presented, the matter will be presented to the Historic Preservation Board for review.</p> <p>On July 25, 2007, and again on July 31, 2007, architect Glenn Pratt provided this office with drawings that incorporate the conditions outlined above. Staff reviewed the revised design and found that the submitted plans and elevations successfully incorporate the Historic Preservation Board's conditions, and as such will not have to be presented to the Board for further review.</p> <p>Letter issued to owner on August 2, 2007 giving staff's administrative approval to revisions. Once the landscape plans are finalized, please submit those drawings for review by Staff.</p>	
<p>COA (ST) 2007-14 Request for de-designation</p>	<p>Denied June 21, 2007</p>	

COA (SP) 2007-13 Revised Variances from the Coral Gables Zoning Code for the allowable floor area ratio. The design approval for the structure was previously granted Grant a variance to allow the maximum allowable square foot floor area of a single-family residence to be 8,979.34 square feet, versus the maximum allowable square foot area of a single-family residence to be 6,960 square feet, as required by Article 4, Section 4-101 D (10) (a) (viii) of the Coral Gables "Zoning Code"	Approved December 20, 2007	
Extension of the two year maximum time limit to a total of three years maximum for the expiration of the variances associated with this revised Special Certificate of Appropriateness [case file COA (SP) 2007-13 Revised].	Approved December 20, 2007	
LHD 2003-18 REVISED Request for de-designation		



**City of Coral Gables, Florida  
Zoning Codes**

**Article 3 – Division 11  
as it pertains to the  
Historic Preservation Department**

## ARTICLE 3 - DEVELOPMENT REVIEW

transcripts or stenographic notes taken for the department at a hearing held before the Historic Preservation Board, the Board minutes, and resolution indicating its decision.

- I. Changes in approved work. Any change in work proposed subsequent to the issuance of a Certificate of Appropriateness shall be reviewed by the Board's staff. If the Board's staff finds that the proposed change does not materially affect the historic character, or the proposed change is in accord with approved guidelines, standards and certificates of appropriateness, it may issue a supplementary Standard Certificate of Appropriateness for such change. If the proposed change is not in accordance with guidelines, standards, or certificates of appropriateness previously approved by the Board, a new application for a Special Certificate of Appropriateness shall be required.
- J. Ordinary maintenance and repair. Nothing in this Division shall be construed to prevent the ordinary maintenance or repair of any improvement which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

### Section 3-1107. Demolition.

- A. No permit for demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and approved pursuant to the procedures in this Article. Denial of such application indefinitely and refusal by the Board to grant a Special Certificate of Appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be served. The Historic Preservation Board shall be guided by the criteria contained in subsection (D) below.
- B. The Board may grant a Special Certificate of Appropriateness to demolish with a deferred effective date. The effective date shall be determined by the Board based upon the significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the Board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this division. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one (1) or more structures or other features. After the specified expiration of the deferred Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the appropriate administrative officials.
- C. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of buildings or improvements designated as historic landmarks or located in an historic landmark district, the Board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The Board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.
- D. In addition to all other provisions of this Division, the Board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:
  1. The degree to which the building, structure, improvement or site contributes to the historic and/or architectural significance of the historic site or district;
  2. Whether the building, structure, improvement or site is one of the last remaining examples of its kind in the neighborhood, the county or the region;
  3. Whether the loss of the building, structure, improvement or site would adversely affect the historic and/or architectural integrity of the historic site or district;

## ARTICLE 3 - DEVELOPMENT REVIEW

4. Whether the retention of the building, structure, improvement or site would promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage;
5. Whether architectural plans have been presented to the Board for the reuse of the property if the proposed demolition were to be carried out, and the appropriateness of said plans to the character of the historic site or district, if applicable; and demonstration as well as the posting of a bond requirement that there are sufficient funds in place to carry out such plans;
6. Whether the building, structure, improvement or site poses an imminent threat to the public health or safety;
7. Whether the applicant has demonstrated that retention of the building, structure, improvement or site would create an unreasonable or undue economic hardship as described in Section 3-1115.
8. Whether there is a compelling public interest requiring the demolition.

E. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation Board may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued.

F. The owner of the property shall permit access to the subject property for the purpose of inspections and/or appraisals required by the Historic Preservation Board or Historic Preservation Officer.

G. No permit for demolition of a non-designated building shall be issued to the owner thereof without prior notification by the Building Official to the Historical Resources Department. All demolition permits for non-designated buildings must be approved and signed by the Director of the Department of Historical Resources. Such signature is valid for six (6) months and shall thereafter expire and the approval deemed void unless the demolition permit has been issued by the Building and Zoning Department. The Historical Resources Department may require review by the Historic Preservation Board if the building to be demolished is considered eligible for designation as a local historic landmark or as a contributing building or property within an existing local historic landmark district. The public hearing shall be held at the next regularly scheduled meeting if the provided statutory notice is complied with at which time the provisions of this Division shall apply. The determination of historic significance and eligibility for designation as a local historic landmark by the Historic Preservation Board is a non-final and non-appealable decision.

H. The damage, destruction, or demolition of any building, structure, improvement or site or portion thereof protected by this Division (a) for which a certificate of appropriateness for demolition has not been granted, or (b) which was carried out in violation of the provisions for demolition and demolition by neglect under the provisions of this Section, shall cause the City to reject an application for a building permit until the following criteria have been met:

1. A pre-application shall be submitted to the Historical Resources Department containing the following information:
  - a. A detailed sworn explanation outlining the facts surrounding the unlawful damage, destruction, or demolition.
  - b. Evidence that any and all code enforcement fines have been paid.
  - c. Evidence that all violations on the property have been corrected or a stipulation outlining the agreed upon steps to correct all outstanding violations.

## ARTICLE 3 - DEVELOPMENT REVIEW

2. Review and approval of the Historical Resources Department checklist by the following departments so that the applications for issuance of a building permit may proceed.
  - a. Building and Zoning.
  - b. Planning.
  - c. Public Works.
  - d. Public Service.
  - e. Historic Resources.
  - f. City Manager.
  - g. City Attorney.
3. All approvals issued within the parameters of this section shall not be construed to be a development order and shall not be evidence of approval by any of the City's departments of the building permit.
- I. The ad valorem tax exemption provided for under Sections 3-1118-1120 does not apply to buildings, structures, improvements or sites that have been demolished in violation of this Section.

### **Section 3-1108. Demolition by neglect.**

- A. Demolition by neglect is any failure to comply with the minimum required maintenance standards of this Section, whether deliberate or inadvertent.
- B. The owner of any building, structure, landscape feature, improvement, site or portion thereof which has been historically designated pursuant to the Historic Preservation provisions of this Division shall be required to properly maintain and preserve such building or structure in accordance with the standards set forth in the applicable sections of the Florida Building Code, and this Division.
  1. It is the intent of this Section to preserve from deliberate or inadvertent neglect, the interior, exterior, structural stability and historic and architectural integrity of any historically designated building, structure, landscape feature, improvement, site or portion thereof. All such properties, building and structures shall be maintained in accordance to minimum maintenance standards, preserved against decay, deterioration and demolition and shall be free from structural defects through prompt and corrective action to any physical defect which jeopardizes the building's historic, architectural and structural integrity; such defects shall include, but not be limited to, the following:
    - a. Deteriorated and decayed facades or facade elements, including but not limited to, facades which may structurally fail and collapse entirely or partially;
    - b. Deteriorated or inadequate foundations;
    - c. Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety;
    - d. Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
    - e. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

## ARTICLE 3 - DEVELOPMENT REVIEW

- f. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;
- g. Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering;
- h. Any structure which is not properly secured and is accessible to the general public;
- i. Any fault or defect in the property that renders it structurally unsafe or not properly watertight;
- j. The spalling of the concrete of any portion of the interior or exterior of the building.

2. A city code enforcement official who finds a violation of this Section shall issue a written warning to the violator to immediately correct the violation. If any building, structure, landscape feature, improvement, site, or portion thereof which has been historically designated pursuant to the Historic Preservation provisions, in the opinion of the Historic Preservation Board, or the Historic Preservation Officer in this Division, or the City's Building Official, falls into a state of disrepair so as to potentially jeopardize its structural stability and/or architectural integrity, and/or the safety of the public and surrounding structures, the Historic Preservation Officer or the City's Building Official shall have right of entry onto the subject property and may inspect the subject property after forty-eight (48) hours notice to the owner of intent to inspect. In the event the property owner refuses entry of any city official onto the subject property, the City may file an appropriate action to allow such officials access to the subject property for an inspection. The City may require that the property owner retain a professional structural engineer with comprehensive experience with historically designated properties registered in the state, to complete a structural evaluation report to be submitted to the City. Upon receipt of such report, the property owner shall immediately take steps to effect all necessary remedial and corrective actions to restore the structure's or building's compliance with the required minimum maintenance standards herein; remedial action in this regard shall include, but not be limited to, the structural shoring, stabilization and/or restoration of any or all exterior walls, including their original architectural details, interior load bearing walls, columns and beams, roof trusses and framing, the blocking of openings and securing of existing windows and door openings, as well as sealing of the roof surface against leaks, including holes, punctures, mechanical systems, and/or roof penetrations as necessary to preserve the building or structure in good condition. The owner shall substantially complete such remedial and corrective action within thirty (30) days of receipt of the report, or within such time as deemed appropriate by the building official, in consultation with the Historic Preservation Officer. Such time may be extended at the discretion of the City's building official, in consultation with the Historic Preservation Officer.

3. If the owner of the subject property, in the opinion of the City's Building Official and Historic Preservation Officer, fails to undertake and substantially complete the required remedial and corrective action within the specified time frame, the city may, at the expense of the owner, file an action seeking an injunction ordering the property owner to take the remedial and corrective action to restore the structure or building into compliance with the required minimum maintenance standards herein and seeking civil penalties such civil action may only be initiated at the discretion of the City Manager or designee. The court shall order an injunction providing such remedies if the City proves that the property owner has violated the required minimum maintenance standards or any portion of this section or this code.

4. Any historically designated building, structure, landscape feature, improvement, site, or portion thereof which requires an application for a certificate of appropriateness for demolition shall not have its architectural features removed, destroyed or modified until the certificate of

## ARTICLE 3 - DEVELOPMENT REVIEW

appropriateness is granted. Owners of such property shall be required to maintain such properties in accordance with all applicable codes up to the time the structure is demolished.

5. There shall be no variances, by either the Board of Adjustment or the Historic Preservation Board, from any of the provisions contained in this Section, except if the property owner demonstrates to the Board that the required remedial and corrective action would create an unreasonable or undue hardship as described in Section 3-1115.
- B. The ad valorem tax exemption provided for historic properties under Sections 3-1118-1120 does not apply to historically designated buildings, structures, landscape features, improvements or sites that are damaged, destroyed or demolished in violation of this Section.

### Section 3-1109. Moving of existing improvements.

The moving of significant improvements from their original location shall be discouraged; however, the Historic Preservation Board may grant a Special Certificate of Appropriateness if it finds that no reasonable alternative is available for preserving the improvement on its original site and that the proposed relocation site is compatible with the historic and architectural integrity of the improvement.

### Section 3-1110. Removal or destruction of existing landscape features.

- A. No Certificate of Appropriateness shall be granted for removal, relocation, concealment, or effective destruction by damage of any landscape features or archaeological sites especially designated as significant within the boundaries of an historic landmark or historic landmark district unless one (1) of the following conditions exists:
  1. The designated landscape feature or archaeological site is located in the buildable area or yard area where a structure may be placed and unreasonably restricts the permitted use of the property; or,
  2. The designated vegetation is inappropriate in a historical context or otherwise detracts from the character of district; or,
  3. The designated vegetation is diseased, injured, or in danger of falling, unreasonably interferes with utility service, creates unsafe vision clearance or conflicts with other applicable laws and regulations.
- B. As a condition contained in the Certificate of Appropriateness, the applicant may be required to relocate or replace designated vegetation.

### Section 3-1111. Construction, excavation or other disturbance in archaeological zones.

In cases where new construction, excavation, tree removal, or any other activity may disturb or reveal an interred archaeological site, the Historic Preservation Board may issue a Certificate of Appropriateness, standard or special, with a delayed effective date up to forty-five (45) days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the Board. A Certificate of Appropriateness may be denied if the site is of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

### Section 3-1112. Reconstruction of destroyed historic landmarks.

- A. Except as provided in the Historic Preservation Code, in the event of a catastrophic occurrence, including, but not limited to, fire, tornado, tropical storm, hurricane, other act of God, or major accidental damage not the fault of the owner which results in damage to a historic building, structure, landscape feature, improvement or site that:

## ARTICLE 3 - DEVELOPMENT REVIEW

3, Division 10 of these regulations. Any historic landmark that has transferred development rights shall not be demolished.

### Section 3-1115. Undue economic hardship.

In any instance where there is a claim of undue economic hardship, the property owner may submit, by affidavit, to the Board at least fifteen (15) days prior to the public hearing, the following information:

A. For all property:

1. The amount paid for the property, the date of purchase and the party from whom purchased.
2. The assessed value of the land and improvements thereon, according to the two (2) most recent assessments.
3. Real estate taxes for the previous two (2) years.
4. Annual debt service, if any, for the previous two (2) years.
5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
6. Any listing of the property for sale or rent, price asked and offers received, if any.
7. Any consideration by the owner as to profitable adaptive uses for the property.

B. For income producing property:

1. Annual gross income from the property for the previous two (2) years.
2. The assessed value of the land and improvements thereon, according to the two (2) most recent assessments.
3. Annual cash flow, if any, for the previous two (2) years.

C. The Board may require that an applicant furnish such additional information, as the Board believes is relevant to its determination of undue economic hardship and may provide, in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

### Section 3-1116. Unsafe structures.

In the event the Building Official determines that any structure within a designated historic landmark or historic landmark district is unsafe pursuant to the applicable building code adopted by the City, he/she shall immediately notify the Historic Preservation Board with copies of such findings. Where reasonably feasible within applicable laws and regulations the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the board. The board may take appropriate actions to effect and accomplish preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, provided that such actions do not interfere with procedures in the Florida Building Code.