



## Legislation Text

---

File #: 17-075, Version: 1

---

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Director of Planning, Zoning, and Building  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** January 24, 2017

APPEAL OF THE HISTORIC PRESERVATION BOARD (HPB) DENIAL OF THE CERTIFICATE OF APPROPRIATENESS TO DEMOLISH A CONTRIBUTING STRUCTURE A 218 NE 5TH COURT, WITHIN THE DEL-IDA PARK HISTORIC DISTRICT (QUASI-JUDICIAL HEARING)

**Recommended Action:**

Motion to Deny the Certificate of Appropriateness for the demolition of the contributing structure located at 218 NE 5th Court.

**Background:**

At its meeting of December 7, 2016, the Historic Preservation Board (HPB) considered a Certificate of Appropriateness (COA) for the demolition of a contributing structure at 218 NE 5<sup>th</sup> Court. The Board denied the request by finding it did not meet the criteria set forth in LDR Section 4.5.1(F), Demolition. An appeal of this action was submitted on December 20, 2016 (attached). The applicant's basis of the appeal is that the HPB failed to consider substantial competent evidence meeting the standard of proof for the support of the demolition.

The COA request before the HPB on December 7, 2016 included the new construction of a single-family residence similar to the historic structure and included additions and alterations to the site as approved by the HPB in 2015. However, given the denial of the demolition, the new construction could not be acted upon.

**Property History**

The subject property is located on the south side of NE 5<sup>th</sup> Court, between NE 2<sup>nd</sup> Avenue and NE 3<sup>rd</sup> Avenue, within the Del-Ida Park Historic District. A circa 1925 Mission style one-story, single family residence is located on the property and is classified as contributing to the historic district. An accessory structure is located at the rear of the property.

At its meeting of December 17, 2014, the HPB denied a COA for the relocation of the principal historic structure from the center of the property now known as 218 and 222 NE 5<sup>th</sup> Court to a newly created lot to the west, readdressed as 218 NE 5<sup>th</sup> Court. The relocation moved the structure approximately 15'-2" to the west and 5" to the south, and set it on a new stem wall foundation system. An appeal request was considered by the City Commission at its March 3, 2015 meeting approving the relocation. The City Commission conditioned the relocation subject to the provision of a surety bond in the amount of 125% of the structure's value which was provided. A letter from Joseph P. McCarty, Architect, Inc., (see attachments) was submitted by the applicant for the relocation which states that "the existing structure has been inspected and it is structurally sound for

moving”.

At its meeting of June 3, 2015, the HPB approved a COA for additions and alterations to the historic structure and associated accessory structure. The approved improvements would create a one-story, u-shaped residence wrapped around a swimming pool. The permit for these improvements was submitted and reviewed; however, the permit review was not finalized there are review comments by Engineering and Plan Review (see attachments) which remain outstanding. These comments, which were provided to the applicant on January 21, 2016, included the requirement of “architect certification of the existing structure as adequate and in compliance with the building code OR details/plans as necessary for required modifications.”

At its meeting of January 6, 2016, the HPB considered the partial demolition (north and east walls only) and reconstruction of the accessory structure. The request was submitted subsequent to interior demolition and finding that the structure was dilapidated. At that time, the rear (south) and side (west) walls were to remain, with only the north and east walls and roof to be removed.

In August 2016, Staff was contacted regarding the demolition request; the COA application for demolition and new construction was submitted in October 2016.

Code Enforcement History includes work without a permit including demolition on parts of the house and property, and an on-site trailer in 2014, and neglect of the historic structure, and water intrusion into the open walls and accessory structure in 2015.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

N/A