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**MINUTES  
PLANNING & ZONING BOARD  
THURSDAY, OCTOBER 22, 2009  
BOCA RATON CITY COUNCIL CHAMBER**

**CALL TO ORDER**

The meeting was called to order by Chairman William Fairman at 6:30 p.m.

**PRESENT:** William Fairman  
Arnold Sevell  
Scott MacLaren  
Richard Coffin  
Keith O'Donnell  
Grace Johnson

**ABSENT:** Steve Utrecht

**STAFF:** Linda MacLaren, Deputy City Attorney  
Julia Trevarthen, Planning Zoning & Development Director  
Daryl Johnson, Planner

**APPROVALS**      **MOTION** was made by Mr. Sevell and seconded by Mr. Coffin to approve the minutes of August 20, 2009.  
**MOTION CARRIED (6-0).**

**QUASI-JUDICIAL HEARINGS:**

Linda MacLaren, Deputy City Attorney, outlined the procedure to be followed for these hearings. All of the following testimony of staff, applicants, petitioners, and public is sworn testimony under oath. Official City files are hereby offered for the purposes of inclusion into the record of proceedings and are available for inspection at the offices of the Development Services Department. Board members indicated they have visited the site of the petitions being heard this date.

Marjorie Ovelmen, Notary Public, administered the oath to all persons who intended to testify at this public hearing.

**UNFINISHED BUSINESS**

**AM-09-07**      An Ordinance of the City of Boca Raton amending Chapter 8 of the City Code of Ordinances, establishing an outdoor customer service area permit; Amending Chapter 28, Article XVI of the City Code of Ordinances, related to parking for restaurants; providing for severability; providing for repealer; providing for codification; providing an effective date.  
**(RECOMMENDATION TO CITY COUNCIL)**

**AM-09-07 REMOVED AT REQUEST OF STAFF**

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2  
3 **SC-09-04**                      Petition of the Boca Raton Historic Preservation Board, for'  
4 09-72500002                      historic designation of the **Giles House (La Vielle Maison**  
5 **Restaurant)**, located at 770 East Palmetto Park Road.  
6 **(RECOMMENDATION TO CITY COUNCIL)**  
7

8 Daryl Johnson presented for the Department advising that the Historic Preservation  
9 Board reviewed and unanimously recommended approval for the historic  
10 designation of the Giles House (La Vielle Maison restaurant) at their meeting of May  
11 19, 2009.  
12

13 Bonnie Dearborn, Chairman of the Historic Preservation Board, recited the history  
14 of this property. The property was first owned by Thomas Giles, an engineer  
15 working for Addison Mizner in the twenties. He built a two-story residence with a  
16 detached carriage house in 1927 in the Mediterranean Revival Style similar to the  
17 Mizner buildings. In 1953, the building was converted to a four-apartment building  
18 with additional remodeling and further construction. In 1973, the property was  
19 converted to the restaurant, La Vielle Maison, which remained a popular  
20 5-Star restaurant for over thirty years.  
21

22 Mr. Giles served on the City Council for nine years, established Lincoln Court  
23 Housing specifically so that the African American community could accommodate  
24 its growing population, and provided the paved sidewalks in Por La Mar when he  
25 purchased his property.  
26

27 Ms. Dearborn reviewed the criteria presented for designation of historical sites in  
28 order: (1) integrity of location, design; stating that the original building is still intact  
29 with many of the original interior features such as flooring and the fireplace. (2)  
30 associated with events that have made a significant contribution; was responsible  
31 for development of Lincoln Court. (3) associated with persons whose lives made  
32 significant history; was employed by Addison Mizner the last year of his  
33 development project, and  
34 (4) distinctive characteristics of the period, construction artistic value; original  
35 building designed in Mizner style Mediterranean Revival.  
36

37 The distinctive architectural details are present in the fireplace, the beamed ceiling,  
38 the tile floors, the main entrance exterior, the arched windows and the mature live  
39 oaks. There have been no insensitive alterations.  
40

41 Charles Siemon, 433 Plaza Real, the attorney representing the property owner,  
42 Irving Litwak, distributed a comprehensive presentation of the property. He stated  
43 that this building does not meet any of the criteria for Historic Preservation.  
44

45 The previous property owner had been conferring with the Historic Preservation  
46 Board regarding this site; however, the current owner does not feel this building  
47 qualifies for Historic Designation.  
48

49 This 80-year-old building has been remodeled, renovated and added to several  
50 times over the years. It went from a single-family residence to a four-apartment  
P&Z-10-22-09

1 building. Then for thirty some years, it was a fine restaurant. The property has  
2 changed hands several times over the years, and has been standing empty and  
3 derelict for the past several years. He exhibited photos depicting the run-down  
4 condition at present, noting there would be little historical worth left if this building  
5 were brought up to Code. Several builders, contractors and engineers have looked  
6 this over and feel the cost and difficulty of renovation would be prohibitive. It should  
7 be demolished. Many interior features of the building have been removed with very  
8 damaging results.

9  
10 Mr. Siemon noted that if this building were accepted for Historic Designation, the  
11 rules state the owner may not take any physical action on the property for 12  
12 months. This alone is a big problem. The property would have to be secured and  
13 the City would have a derelict building standing for at least another year.

14  
15 Although the Por La Mar Homeowners Association has expressed approval for this  
16 Historical designation, there are some concerns regarding the timetable for  
17 remodeling or demolition. There are concerns also for the safety and security of  
18 this empty property during all this time.

19  
20 Mr. Siemon noted no buyer would risk rebuilding or renovating this property as a  
21 historical site due to the excessive costs. He presented photos of the property as it  
22 actual exists today. Much of the current structures are additions to the original  
23 house.

24  
25 Regarding location and integrity of design or workmanship, he stated from 1927  
26 through 1953 and 1968, the building was alone in the woods, the barrel tile roof is  
27 gone and much interior details removed.

28  
29 Mr. Giles' connection to Addison Mizner is tenuous at best, with Mr. Giles arriving  
30 to work among the 3,000 employees the year prior to Mizner's bankruptcy.  
31 Mr. Siemon researched the many historical records of Boca Raton and found no  
32 evidence of any historical events connected to Mr. Giles.

33  
34 This building does not meet the criteria for Historic Designation, and would have a  
35 significant negative impact on the property owner and the adjacent properties. If  
36 approved, it would require 12 months to seal it up or demolish and then must be  
37 redone to comply with 2004 City building code.

38  
39 On Public Hearing:

40  
41 The Board asked the Deputy City Attorney to research the holding up on a  
42 demolition permit for a year.

43  
44 Mary Czar, Executive Director, Boca Raton Historical Society, stated the Society  
45 now supports this petition. They would like to save the building, if possible.

46  
47 John Martin, 10927 Galley Street, wants to keep the Giles House for its historical  
48 value. He noted Giles was instrumental in the construction of Lincoln Court, and  
49 Pearl City is a part of that and has Historic Preservation status. Boca Raton is  
50 special, and we should hold on to that part of history.

1  
2 Rex Nichols, 776 Periwinkle Street, architect and a member of the Historic  
3 Preservation Board, is a long-time resident and supports this petition. The building  
4 has simplicity and scale and appropriate materials, and can be a landmark.  
5 He realized this would be a big job. He is the owner of a Mizner house, which  
6 he bought in the 80's and had considerable work to do. He felt it was well  
7 worthwhile. The Historic Preservation Board is responsible for the Depot and Old  
8 Town Hall.

9  
10 Merle Haber, 730 Coquina Court, has been a resident for over 30 years, and is an  
11 advocate for Historical Preservation and a member of the Historic Preservation  
12 Board. The Old Town Hall and the Depot were preserved due to their efforts. She  
13 noted that in 1988, the property was mentioned at one of their meetings, but they  
14 were unable to follow this up at that time.

15  
16 Mr. O'Donnell wondered what Mizner would think of the property on Palmetto Park  
17 Road with its four lanes of traffic, conglomeration of retail and poor architecture.

18  
19 Pam Oldfield, 771 N E 6<sup>th</sup> St., is the President of the Riviera Civic Association. She  
20 asked that the Giles House be designated as a Historic Preservation site. She  
21 stated that it is the geographical heart of her neighborhood.

22  
23 David Roberts, who bought and renovated the "Gates House" (a house of the same  
24 vintage) across the street, advised that the Historic Preservation Board had been  
25 working with the previous owner of this property regarding possible preservation,  
26 appropriate landscaping, etc. He felt if this was designated and renovated, it would  
27 make a unique and great entryway from A1A.

28  
29 Michael Mopsick, 77 S E Olive Way, bought his house two years ago, and wants to  
30 preserve this building and keep this style of architecture. The 12-month hiatus in  
31 construction should be reconsidered.

32  
33 John Randall McDonald, 109 S E Olive Way, wants to preserve at least the exterior  
34 of this piece of old Florida. He wants to keep this architecture there as it had  
35 character. He does not want any more tall buildings permitted on the east side of  
36 this beach community.

37  
38 Charles Siemon noted the "Gates House" was not designated for preservation, and  
39 has been for sale. The historic value of these properties is diminished by the  
40 proximity of miscellaneous and poor adjacent architecture.

41  
42 Mr. MacLaren is concerned with the rights of the current property owner, if this  
43 property is approved and is subject to the 12-month hiatus.

44  
45 Mr. Sevell was concerned if the designation is approved, and eventually the building  
46 demolished, will the site still be designated for preservation?

47  
48 Attorney Linda MacLaren read Section 28-226 of the Code and advised that the  
49 Statutes do not discriminate between buildings and sites – they are considered as  
50 one. If this building is demolished, after being designated as Historic, the site

1 (property) would continue as Preservation and any rebuilding must maintain the  
2 previous characteristics of the neighborhood as to style, scale, barrel tile roof, and  
3 be subject to the Historic Preservation Board's approval.  
4

5 Daryl Johnson advised that the current City Code governing property zoned B-1 has  
6 a height limit of 30 feet base with the maximum of 50 feet possible.  
7

8 Rex Nichols and Merle Haber agreed that the site would still be a Preservation Site  
9 in the event the entire current structures were demolished. Any new construction  
10 must be appropriate residential style, and subject to the Historic Preservation  
11 Board's approval.  
12

13 Craig Goldberg, 33 S E Olive Way, was originally opposed to this Historic  
14 Preservation. However, he has considered what the fate of the replacement  
15 building or buildings on this property might be. He would like this to remain under  
16 the auspices of the Historic Preservation Board.  
17

18 Lois Martin, 90 Pearl Street, would prefer this as a Historical Preservation Site.  
19

20 Public hearing was closed, and on Board discussion:  
21

22 Mr. Sevell felt that the site would not be historic without the building. Renovation is  
23 not economical or practical, and demolition the preferred solution. Twelve months  
24 are too long and too dangerous for the property to remain in its current condition.  
25

26 Mrs. Johnson noted that she has always supported Historical Preservation, and has  
27 30 years experience working on staff in Planning and Zoning. However, although  
28 this building meets the criteria, the condition and difficulty of preservation, in  
29 addition to the economic impact, makes this Designation inappropriate.  
30

31 Mr. Fairman echoes Mrs. Johnson's comments.  
32

33 Mr. O'Donnell, who has had many years of experience in Boca Raton with property  
34 development, felt that Palmetto Park Road is the real problem, and may be  
35 addressed eventually. He suggested postponement for more time to study the  
36 situation.  
37

38 Mr. Coffin felt that if the building is demolished, the parking lot would then become a  
39 Historic Preservation Site, which is not appropriate.  
40

41 **MOTION** was made by Mr. O'Donnell and seconded by Mr. Fairman to  
42 **POSTPONE SC-09-04** until November 5, 2009.

43 **MOTION FAILED** on a tie vote: Mr. O'Donnell, Mr. MacLaren and Mr. Coffin  
44 voting YES – Mrs. Johnson, Mr. Fairman and Mr. Sevell voting NO **(3 to 3)**.  
45

46 **MOTION** was made by Mrs. Johnson and seconded by Mr. Sevell to  
47 approve **SC-09-04**.

48 **MOTION FAILED (2 to 4)** with two (2) YES votes, Mr. O'Donnell and  
49 Mr. MacLaren to four (4) NO votes, Mr. Fairman, Mrs. Johnson, Mr. Coffin  
50 and Mr. Sevell. **SC-09-04 DENIED.**

1 **ADJOURNMENT**

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There being no further business at this time, the meeting was adjourned by mutual consent at 8:30 p.m.

\_\_\_\_\_  
William Fairman, Chairman

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Marjorie Ovelmen, Recorder