

Appeal of Administrative Decision Made by Mayor Hayward

Whereas, the subject property is located at 302 W. Romana St and lies within the Governmental Center District; and

Whereas, the City of Pensacola Architectural Review Board (ARB) has jurisdiction over the Governmental Center District as established in Land Development Code Section 12-13-3:

(E) Duties. The [ARB] board shall have as its purpose the preservation and protection of buildings of historic and architectural value and the maintenance and enhancement of the following district:

- a. Pensacola Historic District. Refer to subsection 12-2-10(A).
- b. North Hill Preservation District. Refer to subsection 12-2-10(B).
- c. Old East Hill Preservation District. Refer to subsection 12-2-10(C).
- d. Palafox Historic Business District. Refer to section 12-2-21.
- e. Governmental Center District. Refer to section 12-2-22.

It shall be the duty of the board to approve or disapprove plans for buildings to be erected, renovated or razed which are located, or are to be located, within the historical district or districts and to preserve the historical integrity and ancient appearance within any and all historical districts established by the governing body of the city, including the authority to grant variances, under the conditions and safeguards provided in subsection 12-12-2(A)(2), from the zoning ordinances of the city applicable in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, and the Palafox Historic Business District; and

Whereas, the ARB twice has taken action on the request to demolish the historic structure located at 302 W. Romana St.

First, on March 17th, 2016, the ARB approved a motion to table the demolition request until the April 21st meeting. At the March meeting the ARB very clearly stated they wanted the home saved and would NOT approve demolition if an offer from the community did not come forward. At the April meeting the timeline to allow for saving the structure was discussed. The developer was again advised to redevelop around the historic structure. The ARB UNANIMOUSLY voted to table the demolition request for an additional 60 days to allow more time to assess and save the structure (meeting minutes are attached); and

Whereas, the Mayor made an administrative decision to issue the demolition permit, effectively negating the codified powers of the ARB and the actions previously taken by the ARB; and

Whereas, the Mayor's decision to issue the permit went against the advice of his own planning department, who very clearly stated that the City should NOT issue a demolition permit without the affirmative vote of the ARB; and

Whereas, an appeal is permitted under Land Development Code Section 12-12-2:

Appeals and variances. Modified:

(A) Duties and powers of zoning board of adjustment. The zoning board of adjustment, created pursuant to section 12-13-1 of this title shall, have the following duties and powers:

(1) Appeals. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any provision of this title.

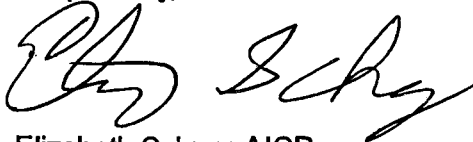
(a) Appeals to the zoning board of adjustment may be filed by any person aggrieved or by any officer or board of the city affected by any decision of an administrative official under this title. Such appeal shall be filed within thirty (30) days after rendition of the order, requirement, decision, or determination appealed from by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof.

(b) The administrative official from whom the appeal is filed shall, upon notification of the filing of the appeal, forthwith transmit to the zoning board of adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was made.

(c) An appeal to the zoning board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was filed shall certify to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceeding or work shall not be stayed except by a restraining order which may be granted by the board or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is filed and on due cause shown;

Now, therefore, be it affirmed, that I, Elizabeth Schrey, AICP, as a person seriously aggrieved by this decision, hereby formally appeal this decision and ask to be notified when this placed on the agenda of the Zoning Board of Adjustment for proper consideration and vote.

Respectfully,



Elizabeth Schrey, AICP

5-17-16

information to ask for beyond conceptual approval with added details to follow in an abbreviated review. The Board asked about muntins and window surround. The package proposed a shared ribbon driveway with permeable material between the drive. It was pointed out that the existing tree would remain. Mr. Mead expressed his appreciation for the overall design. Mr. Quina pointed out that vinyl windows were allowed on new construction in North Hill. Mr. Crawford made a motion to approve, seconded by Mr. Mead, and it carried unanimously.

Item 7

610 E. Wright Street

Old East Hill Preservation District

Contributing Structure

Action Taken: Approved with design of bench & planters in abbreviated review.

Ms. Shoemaker requested approval for façade improvements for the End of the Line Café. The proposed improvements include new signage, new canvas awnings, wooden benches out front and new exterior lanterns. She indicated the sign would be backlit, and Ms. Deese stated the signage met the requirements. Mr. Mead asked with the benches against the windows, would any kind of backing be used since people would lean against the glass. Ms. Shoemaker indicated the benches would be connected to the building using small backing above the windows. She also stated they wanted to incorporate the planters into the benches. Mr. Mead made a motion to approve, with the design of the benches and planters in an abbreviated review. It was seconded by Ms. Campbell and carried unanimously.

(The Board then observed a 5 minute break)

Item 8

302 W. Romana Street

Governmental Center District

Contributing Structure

Action Taken: Tabled until next ARB meeting.

Mr. Liberis requested approval to demolish the contributing structure located at 302 W. Romana Street. This brick structure and two-story garage apartment were both built in 1901. The applicant provided a report from Dean A. Spencer Engineering, Inc. as well as a pre-demolition asbestos survey with limited lead-based paint and mold survey from PSI to document the condition of the structures.

Mr. Liberis represented both the seller and purchaser of the 1.5 acre property. The request was to demolish the existing structure but in order to give an idea of what is proposed, the applicant provided basic renderings for 27 residential units on the parcel. With the demand for downtown housing, there is very little available unless they are high-end condominiums. He stated there were no serious offers to buy the property; the value assessed by the tax assessor was \$1.00. He said if the house had historic value, it needed to be moved. After studying the history of John Sunday, he felt Mr. Sunday would approve of something being done with his property. He also stated if the desire was to preserve the home, they would do whatever was needed to accommodate that need. Chairman Townes clarified that the Board met in a properly noticed special meeting to tour the home to become familiar with the existing condition. Mr. Quina advised if he were to restore the home, he would remove all the additions, getting back to the original footprint. He pointed out the house was wrapped in brick while the original home was wood. He stressed the importance of the property was its relation to Mr. Sunday. He had considered investigating the possibility of keeping the home as the corner piece of the project. In knowing the site plans, he could easily vote to demolish it or restore it. Mr. Liberis stated the goal was to maximize the density of the property. It was Mr. Paro's original intention to save the property, but it became economically not feasible for him. He stated they were paying \$650,000 for this property and had no desire to restore the structure. He offered that if a non-profit wanted the home, it could be moved cheaper than purchasing it. The demolition of the home would be around \$25,000, with the cost to relocate around \$150,000.

Mr. Pristera pointed out that the UWF Property Collections Committee would have to review and present to the Historic Trust who would study the cost and where to place the home. He pointed out they did not have a site large enough for the house; he did offer that there was enough historically to save, and it was in good shape. Since the property is significant, he stressed giving the community suitable time to investigate other options to save it.

Mr. Quina stated the Board could offer a 30-day extension to allow others a chance to buy or relocate the property. Mr. Paro indicated he would not want to wait longer than 30 days. Mr. Mead asked if the remediation costs were covered in the demolition fees, and Mr. Liberis stated they were. Mr. Mead said after

touring the home and noting the condition, as well as Mr. Sunday's role in the community, he could not justify the demolition. He suggested rethinking the use of the home at its location. Ms. Campbell asked if the historical footprint of the home could be carved out of the transaction. Mr. Liberis said carving it out and building new structures around it might not work; the house would still have to be restored. Mr. Jones stressed that the Board has tried to be consistent in not allowing demolition by neglect, giving time for other considerations. Mr. Crawford pointed out that the property had a tremendous potential for renovation regardless of its history, and he could not support its being demolished. Ms. Hatler noted the details in the home and the mature vegetation surrounding it and could not concur with the demolition.

Mr. Quina made a motion to table the request for 30 days, seconded by Ms. Campbell. Ms. Campbell pointed out the need of the new housing in the community and the quality of Mr. Liberis' work, but wanted them to explore other possibilities. Mr. Liberis concluded that adding the new development of six properties would add around \$130,000 in tax revenue which is much needed for the City of Pensacola. For clarification, Mr. Crawford stressed the importance of the Board's decision in the historic preservation of buildings and also made clear that if after 30 days no other offer is present, the Board would not vote to demolish the home either.

Ms. Perkins, a descendent of John Sunday, was advocating restoring the home as a historical site preserving the image and contribution of Mr. Sunday to the city of Pensacola.

Mr. Ellis noted the importance of the development but not at the expense of the Sunday home. He asked consideration of incorporating a portion of the home into the project. He pointed out the property was always marketed for its land value, with no consideration being given to the historical significance of the home (no interior pictures published).

Ms. Dubuisson gave a presentation of the history of the Sunday home to the Board. She emphasized the importance of allowing enough time for other opportunities to be considered. She asked that the Board research the home being placed on the national register before demolition. Also, that any backup offers to purchase the house, which would not jeopardize the legal standing of the Paro family, be accepted. She requested if the home was placed on the market again, that it be advertised as a historical home on a historical marketing website.

The motion was amended to table until the next ARB meeting on April 21, 2016 since the next ARB meeting exceeded 30 days.

Mr. John Hill, Director of the Pensacola Lighthouse and Museum, advised that the house could be saved by finding an organization to spearhead the effort. Mr. Quina then asked for a show of hands from the audience for preservation of the home - 25 favored preservation - 5 favored demolition. Mr. Paro indicated he would attend the April Board meeting. After further discussion, **the motion carried unanimously.**

Item 9

120 E. Government Street

Palafox Historic Business District

New Construction

Action Taken: Conceptual Approval with comments.

Mr. Quina requested conceptual approval for the construction of a new 49,000 square foot, five-story office building. The item was discussed as an add-on item during the February meeting. Mr. Quina indicated there were still some financial concerns with the project. Mr. Jones asked for the color, and Mr. Quina advised the brick color had not been chosen, but the building would be brick, glass and aluminum frame, and it would be submitted for final details. Chairman Townes addressed creating the seamless streetscape West of Palafox which creates the urban core density; he stressed getting the setbacks resolved enabling the project to go to the property line. Mr. Mead addressed an urban block versus an office park setting and possibly pushing to the property line on the west side. Mr. Quina pointed out in building farther away from the property line, more fenestration is allowed. Chairman Townes offered that creating a pocket park established a more urban environment; the building could still be left at an angle. To keep the parking off Government Street, Mr. Quina respected the idea of some element which could be brick or grass pavers where a car or pedestrian could pass through. **Mr. Jones made a motion to approve conceptually, seconded by Ms. Hatler.** Mr. Crawford suggested that the Board carefully look at the front elevation in the next submission.

Mr. Clay was appreciative of hiding the parking in the rear and did not see why the urban context was abandoned by not placing the buildings at right angles to the street front. He was appreciative of the proposal and wanted to see the project completed.

been on the market for ten years, and no one found another use for it; it is currently zoned for multi-family housing, and he thought that was its best use.

Chairman Townes asked if any effort had been made to market this project in the past 30 days with signs placed on the building or other outreach efforts since it had gotten considerable publicity. Mr. Liberis stated the signs had remained on the property, and they had advised the realtor they would work with anyone wanting to buy the house, but there were no offers.

Ms. Hatler asked if any attempt had been made to show the condition of the interior of the house, and Mr. Liberis did not know. He advised the lowest price for restoration was \$250,000; he also had Mr. Johnson look at the cost to move the house which would be around \$150,000. It could be moved and restored for less than the purchase price. He pointed out the property is significant and needs to be emphasized, not the home itself.

Mr. Pristera advised that the request needs to go through several boards, and is not an easy decision in 30 days; he informed Chairman Townes it could take four to six months.

Chairman Townes stated one of the first overlay districts was for the Seville District, and at that time, most of the developers wanted to tear down the historic structures. Mr. Bowden and Bob Sikes got together with the Governor telling him there was something needing to be saved to preserve the historic character of Pensacola. He informed that the Sunday house sits in the Governmental Overlay District which placed it in the ARB purview, and once we lose these historic structures, they are gone, removing a piece of our history. He further emphasized the ARB does not take decisions to demolish historic structures lightly. John Ellis told the Board he is now the President of the John Sunday Society which was created in an effort to preserve this home. He said regarding highest and best use, the maximum density of this property is not being fully realized; if the corner property where the house sits was removed, 28 units would not be the maximum density. For C-2 inside, the dense business area is 135 units, and 35 units per acre outside of that. Chairman Townes asked the goals of the society, and Mr. Ellis pointed out they were to save the Sunday home in its place. Mr. Ellis stated that one problem with marketing this structure is that once a property goes under contract, it no longer shows up on the MLS listings. Chairman Townes asked what steps would be taken to reach out to interested organizations and how much time would be needed. Mr. Ellis stressed it was not their intention to delay the process, but did not have an answer on the time required.

Dan Lindemann spoke for the property owner's position, stating the house was on the market for ten years with no offers, including no organizations. He toured the house and observed the renovations and the neighboring businesses; he wanted to know what fabric the neighborhood has that would justify spending \$250,000 for restoration besides the asking price. He asked how many more projects are going to be taken on that will sit for 20 years when there is an individual who is willing to spend a lot of money and generate taxes for the city while improving the landscape. He did not know how the Board could justify putting off the demolition of the house based on "we might be able to preserve it." He asked that the Board be realistic and not delay the project.

Mr. Pristera pointed out it was a complicated process to accept a property such as this one, and it could not happen in 30 days, and stressed no one knew about the property until there was a threat against it. Ms. Perkins, the eighth generation of Mr. Sunday, said some time ago, she had proposed to purchase the house for a bed and breakfast; the property owner was not interested in selling at that time. She also stated that the neighborhood was residential before the credit union was built. She wanted the house to be preserved in its location, and asked that the Board give more time to gather resources to preserve the home. She concluded she would be working with the John Sunday Society in this effort.

Mayor Ashton thanked the Board for its service. He stated the City's position was that they would like to see the house sold to the buyer. He did not think we need to forget about the historical site of the property and Mr. Sunday's contributions to Pensacola. He offered if this property is sold, a historical marker could

be created to tell Mr. Sunday's story. He pointed out that Gulf Power sits on an Indian burial site, and that ideally we would like to save every building in America with historical value. However, our position is that we have always wanted to create density in our downtown and move things west, and we respect every side and every opinion. He emphasized we would like to see growth moving west but honor that site which was Mr. Sunday's and the Paro's home.

Ms. Perry, Vice President of the Belmont DeVilliers Neighborhood Association, offered that tax revenue comes from tourism and valuing our history. She thought it was not logical to say this corner could not be split off from the rest of the project and an architecturally sound development still be constructed. She stressed the African-American business community moved from downtown to the DeVilliers area. This existing site is also close the St. Joseph's Church which resides on the property Mr. Sunday gave to them. Out of respect for the Board and Mr. Perkins, Mr. Liberis agreed to the 30-extension last month; he said we could be here ten years from now and the story would be the same. He stressed the history of the Sunday home has been well known and has been actively marketed for eight years. He advised it was time to face reality and bring this to a conclusion.

Mr. Jones stressed the Board's position of consistency and preservation, and additional efforts needed to be made for the property. Also, maybe they could look again at the design which might bring additional revenue for that site. He pointed out the Board has typically delayed these projects to seek other options that might be available. Also, the majority of the homes where the Board asked for a continuation have been saved. He emphasized that the Board owed it to this community to do everything it could to see this home preserved.

Mr. Jones then made a motion to table the request for 60 days, seconded by Ms. Hatler. Mr. Crawford said he felt the same as he did 30 days ago and appreciated the financial motivation to tear down and rebuild as well as the benefit of new structures moving west. He sincerely hoped efforts could be made to preserve the home in its location. He empathized with the owners, but thought they owed the home more than a 30-day effort.

Ms. Hatler offered that this house could be the only rich fabric that could seam together what Pensacola is becoming to be known for. She would like to look at this instance to be an opportunity for inspiration on how we move forward, respecting and paying tribute to the history we have.

The motion then carried unanimously.

Item 5

225 E. Zarragossa Street

Pensacola Historic District

Non-Contributing Structure

Action Taken: Approved with comments.

Mr. Robertson is requesting approval to add a full metal awning onto the front of the building as well as a patio onto the west elevation of the building. The awning addition will span the entire width of the building on the front elevation. The patio roofing is proposed to be standing steam metal deck roofing. This building houses the Pensacola Bay Brewery on the corner of Zarragossa and Adams Street.

Mr. Robertson advised that the Historic Trust Board had approved the project at their last Board meeting to place a metal awning over the existing patio making it usable year-round.

Mr. Weeks asked about water runoff, and Mr. Robertson said they would be placing gutters across the front. He said they desired the color to be the same as the church across the street (silver metal).

Chairman Townes asked about the underside of the roofing, and Mr. Robertson advised there would be ceiling fans. Mr. Jones asked about screening for inclement weather, and it was determined this might be considered at a later date. Chairman Townes pointed out that the supporting structure at the top is a square tube, and they have a very decorative period piece for the capitals of the column bases. Mr. Asparuhova, the designer, said the idea was to construct a steel structure which connects between the columns and have a steel or wood top to blend with the existing environment. Chairman Townes