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Kelly Churney, Deputy Town Clerk
Pat Gayle-Gordon, Deputy Town Clerk
Katherine deClaire, Clerk Support Assistant
Town of Palm Beach
360 South County Road
Palm Beach, 33480

**Re: Appeal By Jennifer Naegele From The Town of Palm Beach
Landmarks Preservation Commission's August 21, 2024 Denial of
COA-24-0013**

Property Address: 70 Middle Road, Palm Beach Florida (the "Property")

Dear Ms. Churney; Ms. Gayle-Gordon; and Ms. DeClaire,

This Firm represents Jennifer Naegele, the owner of the Property ("Owner"). Pursuant to §54-41 of the Town of Palm Beach's Code of Ordinances (the "Code"), Owner appeals the Landmarks Preservation Commission's ("LPC") August 21, 2024, denial of Owner's request for a retroactive Certificate of Appropriateness relating to the demolition and reconstruction of portions of the Property's exterior walls.

Significantly, it is the Owner's goal to preserve the historic characteristics of the Property, while enhancing the building envelop components to withstand environmental conditions and allow for the support of necessary interior repairs and improvements. It has never been the Owner's desire or intent to diminish the Landmark aspects of the Property. At this stage, the Owner simply desires to move forward with the work which has commenced to ensure the completion of the project in cooperation with Town and the LPC so that the Property can continue to remain a historic showplace, albeit one far more able to withstand the test of time.

The genesis of the current appeal stems from the nature of the original design and construction of the Property built in 1924 with renovations performed in the 1950s. The exterior walls of the residence were built with terra cotta bricks. The structural soundness of those bricks has significantly degraded over time. Demolition has revealed that this loss in the structural integrity of the materials was compounded by sub-par original workmanship and what is believed to be renovations performed in the 1950s. While some portions of the perimeter walls are original to the Property, most of the north wall was reconstructed in the 1950's. Prior to the current work having been performed by the Owner, the ground floor was constructed with block, terra cotta and some wood frame; the first floor was wood framed with terra cotta, solid brick and block infill; the second floor was wood framed with terra cotta, solid brick and block infill. This leads to the obvious conclusion that the existing structure cannot properly accommodate the installation of hurricane rated windows, which are thicker and require far more structural support than the original windows required. There is also the threat of the veneer cracking due to ordinary exposure to the elements. It is with this backdrop that the Owner seeks to address any procedural issues that are pending relating to the reconstruction of walls at the Property.

I. Overview

LPC's role at the August 21 meeting was to consider all criteria set forth in §§ 54-122, 54-123, and 54-125(b) of the Code and determine whether Owner's request complied with such criteria as supported by a presentation from the Architect of Record, Structural Engineer of Record and Contractor of Record.

Section 54-122 states as follows:

Sec. 54-122. - New construction.

(a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:

- (1) The height, the gross volume, and the proportion between width and height of the facade;
- (2) The proportions and relationships between doors and windows;
- (3) The rhythm of solids to voids created by openings in the facade;
- (4) ***The materials used in the facade;***
- (5) ***The texture inherent in the facade;***
- (6) The colors, pattern and trim used in the facade; and
- (7) The design of the roof.

(b) ***Existing rhythm created by existing building masses and space between them should be preserved.***

(c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

- (d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.¹

An informal transcript of the LPC proceeding was prepared and is attached hereto (the “Transcript”).² As Transcript clearly reflects, **the LPC never reviewed or discussed any of the §54-122 criteria much less whether Owner satisfied any of the required criteria outlined above** (nor discussed the supporting evidence presented and related to the criteria). The LPC determination must therefore be reversed for this reason alone.

Had the LPC considered the criteria set forth in §54-122, the LPC would have noted that the documentation submitted by the Owner on 4/26/24 and 8/21/24, to include Plans and Specifications for the Project, clearly reflected that the materials proposed for use would have replicated the existing façade and would match the LPC approved plans: Like for Like; to include matching the original texture so the reconstructed structure would be effectively identical in appearance. Stated otherwise, but for the underlying structural improvements to the Property, the aesthetics of the Property would be effectively identical.

Sec. 54-123. - Exterior alterations.

- (a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.
- (b) ***Exterior alterations shall not affect the architectural quality or historical character of the building.***³

The Transcript also clearly reflects that the LPC failed to consider the §54-123 criteria. Not a single member of LPC ever mentioned § 54-123 at the August 21, 2024 meeting, much less considered the foregoing criteria in determining and making their decision by reviewing the Plans presented and applying the Code.

¹ A copy of § 54-122 is attached as **Exhibit #1.**

² A copy of the informal transcript is attached as **Exhibit #2.**

³ A copy of § 54-123 is attached as **Exhibit #3.**

Had the LPC considered the Plans and Specifications presented by SKA Architect + Planner (“Architect of Record”), the required criteria for the exterior alterations do not affect the architectural quality or the historical character of the building. The Structural Engineer, Thomas Abbasi from Botkin Parssi & Associates, Inc., confirmed that by reconstructing portions of the exterior walls with more structurally-sound concrete block, that the substrate of the Property was structurally sound.⁴ Again, as noted above, the finish walls and details will replicate the existing and LPC approved façades thereby it will “not affect the architectural quality or historical character of the building”.

Sec. 54-125. – Demolition

(b) *Partial demolition.*

- (1) In the event of a request for a partial demolition, in addition to the above criteria, the commission *shall consider the impact of the proposed demolition on the architectural and historical integrity of the remaining structure.*
- (2) *If a determination is made by the commission that a demolition permit will not be granted on the basis of those items specified in subsection (a) of this section, the applicant may within 30 days of notice of the decision of the commission apply for an exception of extreme economic hardship on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.*⁵

Consistent with the prior identified failures to consider necessary criteria, the LPC also failed to consider §54-125 in connection with its denial of Owner’s requests. Had the LPC considered the Architect of Record and Structural Engineer of Record’s explanations, that **the demolition of portions of the exterior walls were necessary for the preservation of the entire structure**, it would have determined that §54-125 was not violated. It is further important to note that the demolition and reconstruction of the portions of the walls at the Property have been inspected and meet Florida Building Code.⁶

II. LPC’s August 21, 2024 Meeting

During the August 21, 2024 meeting, the Architect of Record showed the LPC existing elevations and the proposed elevations to demonstrate that while portions of the wall were removed because of safety and structural concerns, the new portions of the wall would match the LPC approved plans and maintain the historical sanctity of the Property.⁷

⁴ A copy of Structural Engineer letter is attached as **Exhibit #4.**

⁵ A copy of § 54-125 is attached as **Exhibit #5.**

⁶ A copy of Tew & Taylor inspection report is attached as **Exhibit #6.**

⁷ A copy of Plans and Photographs presented at LPC on August 21, 2024 is attached as **Exhibit #7.**

Despite Mr. Abbasi's professional opinion and recommendation for removing the structurally unsound portions of walls, the LPC chose to focus on three facts that had no relevance to the matter at hand-- (a) the timeline of the work, (b) the decorations that were placed on the construction site fence and, (c) that the Owner should just give up, sell the house, and move away from Palm Beach. LPC member Alex Ives stated the following: "...My choice would be to shut it all down and then maybe they can sell the house and then maybe we get a new person...". LPC chairperson, Sue Patterson stated: "...That's just the way this town is. If you don't like it you can leave...". LPC chairperson Sue Patterson also stated: "...This is a train wreck of things...".

None of these issues should factor into the LPC's role in determining whether the proposed work at the Property would satisfy the goal of maintaining the historical characteristics of the Landmark House. No LPC members cited any Code section in support of their denial of the Owner's request. Rather, the Transcript reflects that the members of the LPC made a subjective determination, despite Mr. Frank Lynch speaking on behalf of Mr. and Mrs. Glazer, reminding the LPC that the voting should be limited to how the Owner's request "relates to two walls and, and that's really what, what we should be talking about." Simply stated, the LPC ignored its responsibility to consider clearly stated criteria thereby failing to justifiably deny the Owner's request.

III. The Council Must Now Reverse LPC's Denial

Section 54-41 of the Code governs this appeal and states in pertinent part, "Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in this chapter."⁸

LPC's denial must be reversed because the LPC failed to consider or apply any of the Codes cited in this appeal. The Transcript reflects that the LPC did not follow proper procedures as it failed to (1) consider any of the mandatory criteria set forth in § 54-122, 54-123, and 54-125(b) and (2) attribute relevant facts and evidence that the Owner Plans did not comply and satisfy such criteria. The Architect of Record, the Structural Engineer of Record and the Contractor of Record presented evidence that the walls could not be salvaged-and would not support New Hurricane Impact rated windows and doors—due to significant issues regarding the structural integrity of portions of the walls that needed to be reconstructed with more structurally sound concrete block. The final exterior reconstruction will be finished with the same details and aesthetics as the original and will match the LPC approved elevations identically. Simply stated, not allowing the reconstruction of these portions of the exterior walls to be finalized will result in a loss of beneficial use of the entire residence.

⁸ A copy of § 54-41 is attached as Exhibit #7.

IV. Conclusion

The objective is to rehabilitate this 100-year-old Marion Sims Wyeth Landmark house and restore it to its original splendor. Unfortunately, while the intent was to preserve as much of the original structure as possible, deficient walls were removed for the purpose of safety and structural integrity to also include accommodating for New Hurricane Impact rated windows and doors. The Owner is committed to restoring this historic property and has spared no expense to ensure that the building is structurally safe and sound for another 100 years to come. For these reasons, the Owner respectfully requests the LPC's denial of the demolition and reconstruction of portions of the structure's exterior walls be deemed improper, reversed and the Certificate of Appropriateness retroactively approved.

I implore you to think about the alternative when deciding the outcome of this Project. While we may all have different perspectives on how this could or should have been accomplished, it is evident that the Town, the neighbors as well as the Owner want this Project finalized and restored.

We look forward to the Council's consideration of this appeal.⁹

Respectfully submitted,

/s/ Genny L. Contreras
Genny. L Contreras

Encls (Exhibit#1-8)
cc: Jennifer Naegele

⁹ In light of the filing of this appeal, work on the reconstruction of the portions of the structure's exterior walls relating to the application and denial by LPC cannot continue without the decision of Town Council. To that end, § 54-41 states that "Town Council shall decide an appeal **within 45 days of the filing of such appeal.**" [Emphasis added].

EXHIBIT 1

Sec. 54-122. - New construction.

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
 - (1) The height, the gross volume, and the proportion between width and height of the facade;
 - (2) The proportions and relationships between doors and windows;
 - (3) The rhythm of solids to voids created by openings in the facade;
 - (4) The materials used in the facade;
 - (5) The texture inherent in the facade;
 - (6) The colors, pattern and trim used in the facade; and
 - (7) The design of the roof.
- (b) Existing rhythm created by existing building masses and space between them should be preserved.
- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.
- (d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

(Code 1982, § 16-41(a))

EXHIBIT 2

ABE FOGEL: So, our next project under review is 70 Middle Road. The history of the project was outlined in the staff memo, fast forwarding to the most recent events on May 3rd, 2024 Mr. Bergman, Director of Planning zoning and building Sue Patterson LPC chair and I conducted a site visit where unapproved demolition and reconstruction of exterior walls was discovered. The on-site team was advised that a certificate of appropriateness was required for the work in this case, retroactively.

Therefore, the application before you today will cover work that has begun but isn't yet completed on portions of the exterior walls of the structure, written public comments, letters of concern were received and forwarded to the LPC Commissioners.

TOWN ATTORNEY: Mr. Ives ex parte?

ALEX IVES: Should I go ahead or no?

Ok. I read the, staff memos and looked at the plans and received the emails forwarded to us by the town from, people, the owner and people associated with the property.

BRITAIN DAMGARD: Same, but I did go by, to see that the walls were down and that the figures were off the walls, sort of the fence.

SUE PATTERSON: I have all the same as that I have visited the property as was stated by Abe. and I, I drive by the property on a regular basis.

JACKIE ALBARRAN: ...and, of course, same, but I have to declare a conflict. I'm the architect of the property but I have Bill Langford who has been consulting in this project the entire time and he's gonna be presenting.

So, I will be stepping actually out of the room.

SUE PATTERSON: We're gonna miss you though

JACKIE ALBARRAN: First time ever.

JULIE HERZIG: I read the material that was sent to us by landmarks and the two letters in opposition. And I also visited the site and met with the architects and the contractors.

ANNE MEETZGER: I drove by the property.

CATHERINE BROOKER: I reviewed all the materials that were provided by staff as well as the, additional letters that were written by the owner and neighbors and drove by the property.

SUE PATTERSON: Ok, go ahead.

BILL LANGFORD: Ok, so someone's gonna have to tell me how to put it on the. Oh, ok. Ok. So I think all of you are probably familiar with, with the property where it is corner of Via Marina and Middle Road. Oh, sorry. So, it's on the corner of Via Marina and Middle Road.

It's just showing the neighborhood map and...

SUE PATTERSON: I think it would be helpful if you can really keep it as simple, simple as possible because there's just so much information.

BILL LANGFORD: Then I'm gonna just give an overview and then, and then Tom from Botkin Parssi, the structural engineer can speak a lot more.

SUE PATTERSON: I think less is more in this.

BILL LANGFORD: ...And so the areas that we were talking about are up here, this area and then the courtyard right here. So this is showing what you see from the street, the front elevation on the top and then the side it's a lot of vegetation where you don't actually see the house. This is showing where the wall, the west wall was. the hollow clay was removed and the concrete block was beginning to be installed.

This is the courtyard where the original arches which you can see on the bottom were removed because of the deterioration and that's just formwork there that you see. These were originally open arches without doors and when they went to try to fortify, so they could install the doors, they found the deficiencies. And this again is just showing the locations of the walls that are needed for repair.

So, the front elevation is untouched. No problems there. This is the north elevation bottom-right. You can see the hatching where the wall had issues and this is showing some of the existing conditions where there were problems with cracks, bricks in with the hollow clay tile, the structural drawing, Tom can talk more about. This is the west elevation with the hatched area showing where the concrete block is replacing that needs to replace the hollow clay.

And this is showing that part of the issue was the dash line is showing the new window locations, some were getting larger, some were some new windows which caused an issue when they opened up and also shows some of the cracking that was there. And this shows the courtyard again the issue with this one section where we were adding doors and then the whole wall area had structural issues and this is just some other shots showing the damage, the cracking.

This one is showing one of the big problems was the way they installed the hollow clay tile. Originally, they went, they alternated not exactly. But more or less going vertical with them. And then horizontal. Normally, when they're all vertical, you can fill, you can knock out and fill add steel and fill the cavities. But that was not possible here because of the alternating way they installed in the clay tile.

Also, we found that on the first floor, there were eight inch clay tile and it switched to four inch clay tile on the second floor, which was another thing we didn't expect. And again, this is just showing the interior with the finishes, removed the clay tile and that's just the survey. So I will turned over to Tom.

TOM ABBASI: Yes. Good morning, good morning, Tom Abbasi with Botkin & Parssi Associates, structural engineer of the project.

SUE PATTERSON: Can you get closer to the microphone, please? Thank you.

TOM ABBASI: I'm gonna go to actually page if I could get to the mouse. Just bear with me here for a second. It's very hard to, it's difficult to play with the mouse. Just bear with me here a second. I wanna go to the west wall section that I can explain what's going on. Ok. Here's the the west wall of the house. The owner was actually adding new windows with different sizes of different locations in this wall.

We also discovered that the wall was very brutal and very fragile to work with. And we also found some cracks and some of them actually some of the cracks were between the bigger window on the lower

level. If you notice on the second floor, we were creating actually a much bigger window which required a structural steel with the column support and having a column, steel column supported on the veneer was actually impossible to do.

So because of those factors and those issues, we decided to replace the wall with new four inch concrete veneer at the second floor level, an eight inch block wall on the first floor level. Now, keep in mind, the veneer actually changed it from floor to floor. It was not a constant thickness of the wall. We also discovered the same thing on the north wall where the existing low story was actually demolished and removed.

I don't know if I could go to the if you notice right here, this is the north wall where, where the one story, the existing one story was actually demolished. And if you notice there were like, we discovered some holes, there were some brick infills. There were some penetrations from the existing framing that in addition to that, we had to introduce new openings and four new windows.

And, and so because of that, it was best to actually replace the wall with a new veneer. So those are really the structural issues with these two walls. I don't know if I could answer any questions you might have.

SUE PATTERSON: well, I think what is confusing for the commissioners is that some of this was your own decision to move forward without proper approval from staff, but we'll get back to that. I just want to make it clear when you're saying these things, obviously, yes, we see that that is in great need of repair, But the way it works is that you need to come back to us when you find, you know, obviously you go into a house that's 100 years old.

You're going to find surprises and we fully understand that and expect it. But it then is not an option for you to continue moving forward without first coming to us. But, but I don't want to get into that. Now, I would like you to keep moving forward, but I just want the commissioners to be aware that that piece exists.

TOM ABBASI: I was just explaining this.

SUE PATTERSON: I understand, but it needs to be explained in, in that, that's fine, you can keep moving on.

TOM ABBASI: I'm actually pretty much done as well as the structural issues with these two walls because all the questions are related to the north wall and the west wall and, and obviously to have construction with the, with the contractor of the project, they can actually...

SUE PATTERSON: No, I understand we're just trying to get an overview and I don't want to get hung up in any particular spot I wanna, and it's, it's a, it's a lot of information so I, I would just wanna keep things sort of simplified so it's easier to comprehend the, all the little areas you can continue.

TOM ABBASI: I'm, I'm pretty much actually done. I mean, I did explain all the structural issues with these two walls that are in questions but, you know, maybe, you know, TAB Construction can, can add on more.

SUE PATTERSON: OK. All right, perfect. All right. Thank you. So that concludes your presentation. OK. All right. Well, I'm sure we're gonna be asking for more. Is there any public comment? I'm looking at Amy Sonny. Ok. Before we go into our discussion, there's nobody in this room. Well, besides the perpetually

71 this is gonna be great 10 years from now, right? When you're still 71 I would like to call Wayne because he is just so brilliant at understanding and perhaps can shed connect the dots a little bit better for what, a year?

WAYNE BERGMAN: Good morning. 70 Middle Road. Where, where do we start? You'll recall that staff last year or earlier this year, March, I believe we gave you a pretty comprehensive update on everything that's happened on this project. There has been active construction at this location, sometimes small, sometimes large for about the last 11 years.

11 years ago It was a little bit of interior work. To the best of my knowledge, there have been 54 permit applications made on this project in the last 11 years, 45 permits have been issued. There's a current project going on right now that was submitted to the town in 2019. It was a combination project that required your review and it also included the request for five zoning variances, due to the onset of the COVID pandemic, due to conversations involving utility easements and due to a confusing somewhat botched mailing of notices, the five zoning variances were never heard by the town council. They were deferred by the Town Council; the owner was unable to attend and eventually those five variances went away. The permit under the COVID under COVID was extended under Florida statute 252.

So that is why it is still an active permit today. Since the approval of the 2019 application, there have been three staff, not staff administrative approvals, which included the chairperson's review as well as staff and consultants that happened in 2020, 2022 and 2024. And just in closing those comments, there have been voluminous emails, meetings, phone calls with the owner, with the contractor, with Neighbors, with design professionals ever since.

And although it's interesting that what is before you today is sort of an after the fact retro approval of some wall reconstruction, we still have a very unfinished construction project with a building permit that will expire in November. So in November 5th. Correct. So I'm willing to stick around and talk about that if you'd like.

SUE PATTERSON: Oh, yes, this is, don't go too far. Do we have any comments or are we speechless, gob smacked? I love that word.

BRITTAIN DAMGARD: I'd like to ask a question.

SUE PATTERSON: Sure. Don't look at me. Go ahead.

BRITTAIN DAMGARD: Because I know the contractors, very good, good contractors. Can this project be finished? Can it move ahead?

TIM BOWSER: Ok. And one of the reasons that...

TOWN ATTORNEY: I'm sorry, can you identify yourself in?

SUE PATTERSON: You need to just say your name.

TIM BOWSER: I'm Tim Bowser, General Contractor on TAB Construction.

TOWN ATTORNEY: Can you repeat it? I didn't hear it.

SUE PATTERSON: Can just get your name and your affiliation.

TIM BOWSER: Tim Bowser is, I'm the general contractor, Tab Construction Company on 70 Middle Road.

SUE PATTERSON: Ok. It's just for the record. Ok. You, you may proceed.

TIM BOWSER: Ok. One of the reasons we went forward on some of the demolition was we were under, we knew we were under a time constraint. And since we started the project, you know, there's been more work done there. Most of all the other permits, all the other permits that were issued were interior. You know, and we've only been involved, you know, since 22 and we're going around the entire house and we're rebuilding everything exactly as it was that we're just making it structural so that all your impact doors and windows can be installed correctly. And meet code and that's, you know, that's what we're doing. And as far as time constraint goes, we want to just go forward with it and try and finish this house, I know the whole city wants to get this house finished.

ANNE METZGER: So is what's the possibility of getting it finished before your permit runs out?

TIM BOWSER: None, No, of, of, of, from November 5th. There's no possibility.

ANNE METZGER: That's what I thought.

TIM BOWSER: You know, so, I mean, we, we basically think that, you know, it's going to take about two years to finish the exterior envelope of it. You know, so we could have it look like from the outside, a total finished house complete and then probably one more year interior just, you know.

SUE PATTERSON: And this means no changes, ok.

TIM BOWSER: OK

SUE PATTERSON: All right. But don't go far.

ALEX GRISWOLD: Has the, have the walls already been removed or is the request to remove them?

SUE PATTERSON: They removed them.

ALEX GRISWOLD: Got you.

SUE PATTERSON: Before requesting.

ALEX GRISWOLD: But even on that one facade that still shows that where the cracking is not the facade I'm looking at, but there's another facade which I don't know if that's what side that is.

TOM ABBASI: I think you probably, you're referring to the west side.

ALEX GRISWOLD: I think it's probably the west side. Yeah. Are you proposing to remove all of that as well and rebuild? Oh, it's already gone. Gotcha.

TOM ABBASI: Yeah, that's an existing, that's an existing elevation of the west wall.

ALEX GRISWOLD: It's an existing elevation of the west wall. So that's what the west wall looks like.

TOM ABBASI: No, that's the original, that's the original.

ALEX GRISWOLD: Ok. And then I just have one other technical question on that fence has been wonderfully decorated during periods of time. There's now a new regulation with the town on fencing

and screening for active construction sites. Is there a reason in this bill that this property is not adhering to that?

SUE PATTERSON: It does have a screen but it's, it's not, it's a low, it's not a very, well, I guess it's no...

ALEX GRISWOLD: it's a fence, it's a screen fence.

But what I'm seeing in on other construction sites is, you know, I mean, I, I actually don't really candidly like them, but they're like 20 high black two story high netting. Is there a reason that this project does not have that type of screening? Like I'm, I'm seeing on other projects?

SUE PATTERSON: Ok. That, that something we will come back to anything else, Alex, Julie and then Kathy.

JULIE HERZIG: I have a, a question for the contractor.

You say that you want to build additional things which are not in your present permits. Is that correct?

SUE PATTERSON: No, I think he said he wants to, he didn't say he was gonna change.

JULIE HERZIG: Wasn't, weren't you going to build a basement for, for a that's been, wait, excuse me one second.

TOWN ATTORNEY: We need any com any comments from the applicant to be into the microphone? Please.

And if you have not identified yourself, please identify yourself.

JAMES BOWSER: I'm James Bowser. I'm partners with my father, Timothy Bowser and general contractor. and that's, the only work we're doing now has already been approved by, you know, the landmark commission.

JULIE HERZIG: And so digging the basement under the, yeah, under the terrace has been approved, digging a basement under the terrace for the generator has been approved. Ok. That's all I want to know. All right. I, I thought that one of the letters had some very sage advice. I think what is needed on this project is a really firm timeline of, of work that needs to be followed up and and inspected.

And I think that is the responsibility of the town, at least to the the neighbors on this project. It, it has to be finished one way or another. But I think it's egregious that they took down the walls without demolition permits, but now we have to move forward.

SUE PATTERSON: Thank you, Julie. Cathy?

CATHERINE BROOKER: I would just echo that. II, I think it's, it was interesting that you said that the reason you took the walls down without permission was because you were under this deadline for the permit to expire. And yet you also said and acknowledged that given the complexity of the project, it's going to take another two years just to finish the exterior.

So whether you took the wall down or not, we, you weren't going to meet the permit deadline. It sounds like. So it's unfortunate that all of that happened. I'm sympathetic to the neighbors, obviously who have

sort of had to endure all of the construction, but it does seem like what's in the best interest of everybody is to find a way to move forward and get the projects completed.

That sounds like it's going to involve one, making sure everything is being adhered to in terms of the code, whether that's a fence or whatever else is going on in the construction site. and any approvals if we're allowed to do so seem like they should be completely tied to a more comprehensive plan and how the construction is actually going to be finished.

SUE PATTERSON: Thank you, Cathy, Alex Ives?

ALEX IVES: I would strongly back up commissioner, Brooker's comments, but also, I mean, I hate to be the rough one here. You don't have a time constraint because you already took down a wall that you had no COA for. I'm sorry, that's what happened. We have some 390 landmark properties in this town and those people don't pull these games or whatever is going on here.

And I think we need to show them respect and even you for all the other projects you've done as contractors. I, I don't think this is you. I think this is something else going on here. Dare I say, but people come to this commission for 40 some odd years and this stuff doesn't happen and we need to respect the good work of all the other attorneys and architects and designers and homeowners and property owners and everything else here.

This is an embarrassment, what's happened here. So I hate the idea that we're stuck and somehow we have to, like, clean up this thing because we don't own the property. We are the Landmarks Commission. The town is this, you know, but it's not gonna get done by November. There's no way around this, but there's a, and I'm to say, I understand the explanations that I'm seeing here and I'm not a structural engineer, but I don't know why walls had to be taken down.

We've seen other projects here where windows are being adjusted or changed or moved around and having slight adjustments to them that don't mean a wall has to be taken out without a COA application. And as Commissioner Brooker said, if you're not even gonna make it by November, what's the rush in taking down these walls? None of this story makes any sense to be honest with you.

And I, I just, I hate to be the one to do this, but someone's got to say this in public here and, and give you a little bit of a come to Jesus moment for the applicant because I think probably the contractors are doing that every day and it's still not happening I don't think they wanna be these people. I don't have an answer here. There's no way this is working out well, but it, it's just not fair to us to break, not break rules, but bend rules and bend over backwards for this applicant.

When, as I said, we get people coming in here every single month doing a good job being good architects and good landscape designers and everyone who's in this community making this town the great place it is and this is the opposite of it. So I just don't have a lot of sympathy here. I don't know what the answer is, but I don't think we need to be making five years of exceptions for someone who was shown no respect to the town and, and our architecture.

So I, I mean, my choice would be to just shut it all down and then maybe they can sell the house and we get a new person. I, I'm sorry to say that. I know it's really rough but it's just I, I can't, as he said, I can't bear this given how many good people there are out there. And I'm not saying the person's a bad person but they're not being a good steward of this property.

So I just, there, there's no way to make this work it's done in November. It's five years they're doing, they're pushing COA's that don't even exist. I have no sympathy.

SUE PATTERSON: Alex. That was very well said, thank you.

ALEX IVES: You own a Landmark Property and how long it took you?

SUE PATTERSON: 18 months.

ANNE METZGER: All right. So we have an issue here and the permits are over in November and, the property needs to be finished, the project needs to be finished. is there a way or not? But is there a way if it were to have, a double or triple size crew come in? I don't think the neighbors can go through another two years.

So, I don't know if, I don't know if there's a way if it, if you had the permits, if it could be, projects can take less than three years to finish. We've all been through a lot of projects and it shouldn't take three years to finish this project when they've already had.

TIM BOWSER: I agree with you and we can double up our manpower, you know, we, we already have 14 men working there, but we can double up, we can get more manpower there and, you know, certain things that we've been held up on ordering like windows and doors do take 10 months just, just to get them, you know, so we're up against those type of, you know, problems.

ANNE METZGER: And they're not even ordered.

TIM BOWSER: No, because we don't have the approval if we had the approval we can order them.

SUE PATTERSON: This is a train wreck of things.

That's what I think we're missing.

TOWN ATTORNEY: If we can just add on to the record, the windows have been approved.

SUE PATTERSON: Ok, so there you go. Can we have a date for that?

BILL LANGFORD: They they haven't been able to measure for them because they haven't finished framing out for them. They have been able to measure the window, the actual windows. Yes, selection has been approved but, but it's the measurement.

SUE PATTERSON: I, I just want to say that public comment is closed, but I'll make an exception. Thank you.

FRANK LYNCH: My name is Frank Lynch. I'm here on behalf of the neighbors. Jill and Avi Glaser who live immediately to the west of the subject property. I appreciate every comment that I've heard here this morning. I respect those comments. My only concern that I have with regard to them is the matter before you relates to two walls and, and that's really what, what we should be talking about.

I understand the frustration because my clients have lived that for many, many years. But, but there are two matters before you. There's an interior wall, there are actually two interior walls that are to be discussed, all of these items. I understand completely. I think maybe the best forum for hearing all of

these complaints is code enforcement because this is a code enforcement nightmare or what code enforcement is all about.

And, and I this project needs to be brought to some sort of conclusion. You heard Mr. Bergman say this has been going on for 11 years. Houses have been built torn down and rebuilt in that period of time in this town and this could get done. This is not in disrespect to the property owner. This is about respect for the neighbors and what they have to deal with on a regular basis. But for today's purpose, we understand this is just the narrow focus. But we have you got here...

SUE PATTERSON: You understand that we also have Sunshine Law and the only way we can talk about it is if we're here, I understand that and we do feel an obligation to the neighbors very much so which is why we really want to put this out in the open. and, and hear about it, but yes, we, we, we are aware, it's about the two things, right?

FRANK LYNCH: I just wanna make sure that any approvals granted today just relate to those two. Exactly.

SUE PATTERSON: And I thank you for your comment.

SUE PATTERSON: Kathy again, are you?

CATHERINE BROOKER: Sort of tacking on to what was just said?

Our authority is over granting approval for taking down and rebuilding those walls up retroactively. I'm wondering what else we could do in approving or not that in tying it to some sort of more comprehensive schedule for the completion of the project and compliance with code and correcting any violations that seem to be active on the construction site right now.

So I'm just not sure how we can tie all those things together in granting this approval because what we are approving or not approving is somewhat limited and not really gonna fully. So that's the deal. That's why I'm asking to tie the approval to anything.

LENNY: So perhaps if you feel like the additional information of a schedule is pertinent to your decision, that's something you could request.

SUE PATTERSON: As and we could, we can hinge it on.

BILL LANGFORD: On coming back because of those variances that were, you know, were never approved. She is planning on coming back with that and with that, there will be a time schedule.

She's planning on submit, submitting them for the next, first submittal which I think puts it. I think just after, I think it's probably, well, I after, I think it's a November meeting but after November 5th. Yeah.

SUE PATTERSON: Ok. See, we have Alex Ives again.

ALEX IVES: Here's, I don't know if, obviously, I think people are aware that I've got my rancor up over this issue, but, my suggestion would be, we could deny this and that maintains the Landmark Commission's integrity, which is what we are. And then if that applicant wants to appeal it, they can go to Town Council and Town council can take on the issues that are above our pay grade on this place. So that's my suggestion.

SUE PATTERSON: I like that.

LENNY: If I may just to echo M Minner on this item, you have a couple of options you can approve this with the condition of coming back with a detailed schedule. You can also defer this if you're in need of more information to make your decision on whether or not this is appropriate, whether or not this is appropriate.

And that could be in the form of a detailed schedule and you can defer it to the next meeting and request that kind of information. You are also able to deny this. But in doing so, it would go to town council and would be out of your hands.

SUE PATTERSON: Yeah. Well, I think I, I would be inclined, I would be inclined to, to, to go that way because obviously we've been spinning our wheels. We, we cannot handle business through. I believe as Miss Jennifer had told us she didn't want any special treatment and yet she continues with emails that are inappropriate. That is not how we do business in town.

People go through the proper channels. There's a formal way of doing things. We have been incredibly gracious to her. But I, I drive by there every day. I, I couldn't imagine being a next door neighbor. I mean, even just driving by, it's, it's very disrespectful to the town. She, you know, has mocked the town and the neighbors with her paraphernalia that she is, she's put out and the, the, the we have to have decorum here.

That, that's just the way this town is. If, if you don't like it, you can, you can leave. I, I feel, for the contractors they, they seem like, you know, decent humans. I think they're stuck in a, in a tough spot. So it's, it's, it's, it's, it's a very tricky decision, for us how to move but since we've tried sort of everything to try and accommodate and nothing is really working. Wayne?

SUE PATTERSON: Yes, Wayne has been a saint. By the way.

WAYNE BERGMAN: I've spent a lot of time on this, I've given it a little bit of thought. Actually a lot of thought and I don't know if this will be helpful to you all, but it was helpful to me to sort of think through to the end game. Where do we end up? What do the neighbors expect? What does the owner expect? I've come up with basically five global areas that are unresolved at this point in time. I think you've, you've all briefly talked about it and then who's responsible for each of those five areas.

So the first one I have identified was what's before you today? The LPC application, the pending application for the exterior wall that's in your hands. The second global area is the permit which will expire on November 5th, 75 days from now. The Town Council now has a process that requires the, the owner if the owner is interested in getting the permit extended to make an application to pay a fee to send out notice to all property owners within 300 ft 25 days prior to the meeting.

Knowing that this expires on November 5th, the goal would be to get this to the October Town Council meeting, which means really you need to move on this as quickly as possible. The owner needs to move on this as quickly as possible and get the permit extension request to the Town Council. The third Global area is these variances. If the generator goes in the building, that's one of the five variances gone.

And that works. That makes sense. But there's still four other zoning variances to do the work. The scope of work that was originally proposed, three of those four variances are for a ground floor, laundry room and one of the variances for a covered balcony on the second floor. If those are still part of the scope, those variances need to be applied, you're going to the Town Council.

My respectful suggestion to any applicant would be to do it as compactly as possible, do it at the same time, make both requests. At the same time, the fourth Global area is obviously in the hands of the contractor and the owner and that's to complete the work. And finally, the fifth is entirely the property owner's responsibility going forward and that's maintenance of the of the project site.

We have chapter 88 which is our property maintenance code enforced by code enforcement. We have the construction screening fence regulations, which were enacted recently, which are through code enforcement. And while I understand the neighbors frustration, I think I can honestly say on the record that they all want to see this project finished, they just want to see it finished as quickly as possible. So how do we get to that point? Well, we need a plan to complete the project and we don't have that right now. We need the permit extension request, the variance request, a timeline showing benchmarks. When will the roof be installed? When will the windows be installed? When will the stucco work be finished? And obviously, if you worked on the outside first and then moved to the inside, the neighbors would probably find that much more acceptable and then finally, a completion date and a acceptance of the owner to maintain the site throughout all.

SUE PATTERSON: And you know, that might mean a better screening fence. Alex?

ALEX IVES: Alex, I'm just gonna suggest that, you know, there's an old phrase, fool me once, shame on you, fool me twice, shame on me. We're on like fool me seven times, shame on us here. So again, this, I mean, Wayne is a more benevolent saint than I will ever be obviously, because as much as we can make some deal today and get a plan here, we've learned over the past decade on this project that, that doesn't mean diddly squat for lack of a word I can't use in a public forum. So again, I'm just gonna, I think under section 54 and I mean, you can look at all of it, to be honest with you. I moved to deny this project.

SUE PATTERSON: May I have a second? Oh, go ahead.

BRITTAIN DAMGARD: With all that Wayne has said and all that, all that Wayne has said and all that needs to be done. The bottom line is the project has to be finished. Somehow, the neighbors are not gonna let it just sit there. If it's abandoned, then what happens? If the project's abandoned and then the neighbors are sitting with the house, it's never going to be completed. That's not fair either. So I think there has to be some compromise. There has to be something that's gonna with the owner, with the contractor, with the engineers saying, all right, we've got to get this project done and we don't have three years to finish it. Other houses as we have said, have gotten. Yeah, but you've got to come up with all of the things that Wayne has just said and see if that can be done by November 5th, but to walk away, November 5th and leave the house sitting there as is, it's gonna be even worse for the rest of the neighborhood.

ALEX IVES: And it's an example now to everyone to pull this trick for every other property in town.

LENNY: Commissioners 22 items, whether you decide to defer to maintain control of this item and request the information that has been outlined by Director Bergman or if you move to deny, we need to make sure that we're very clearly citing the, the applicable code sections and the criteria that we're finding that this certificate of appropriateness does not meet and the two, the three sections are going to be 54-1 22, 54-1 23 and 54-1 25.

And with respect to 54-1 25 which is on page 10 of the packet that I identified to all at the beginning of our meeting this morning. It would be subsection B is, this is a partial demolition. So if you could just take a look at that prior to making any motions, so that we're clear for both the town as well as the applicant.

SUE PATTERSON: Thank you, Lenny.

BILL LANGFORD: I realize. Ok. I realize I'm stating the obvious, but if you defer or deny, obviously the project, it's gonna stop moving and the contractor, you know, wants to keep moving and we don't want him to keep moving and this will be coming back, like I say, you know, it's gonna be coming back to this commission as well as Town Council. So it's not like you don't have another chance to, you know, voice your concerns.

SUE PATTERSON: Thank you.

TOWN ATTORNEY: Unless there's new requests to the Landmarks Preservation Commission, the variance is what I believe, moved straight to Town Council because those were already vetted here. So, unless you have an additional request, we're not aware of.

BILL LANGFORD: She does. I mean, the owner wants to add a water feature that wasn't approved before.

SUE PATTERSON: So, but she keeps adding changes and the other, you know, she didn't, she didn't move forward with the, you know, the variances before. So, I mean, this is just a constant...

BILL LANGFORD: I understand.

SUE PATTERSON: Ok. anyone else?

ALEX GRISWOLD: Yeah, I don't, I don't, I don't think the timeline is gonna continue to extend. I mean, anybody who drives over the middle bridge heading to West Palm Beach sees somebody who just built a million square foot office building in 13-14 months. you know, and when I hear that you're not starting interior until you finish exterior. Anybody who wants to be in a home, it boards it up, air conditions, it, and it has crews inside, outside, et cetera. This house could be renovated in 12 to 15 months from the start if they wanted it. and it's pretty clear, what, 15 years in now or 11 that, that there's, there's no desire to finish this project and I don't think there will be...

SUE PATTERSON: Anyone else?

TOWN ATTORNEY: Madam chair. I just want to point out we do have a motion on the floor and I wanted to ask Mr. Ives if he wanted to add any criteria to his motions.

ALEX IVES: So I move to deny the application based on section 54 1 22, 54 1 23 and 54 1 25 specifically in give me one second. I'm gonna ask legal counsel for help here. Where's my partial demo? There we go. Ok. Section 54 1 25 most specifically on section B of that, which is partial dem demolition. that it does not meet the criteria. So that's my motion.

SUE PATTERSON: Is there a second? Ok. Ok. There is a second

ALEX IVES: Can I ask a question... if we just go? It becomes town council's problem? You're right.

TOWN ATTORNEY: I would like to take a, I'm sorry, and I just want to point out that everyone on the diocese voting today right now and I would like a roll call vote.

TOWN ATTORNEY: Mr. Ives?

ALEX IVES: Wholeheartedly. Yes.

TOWN ATTORNEY: Miss Herzig Desnick?

JULIE HERZIG: Yes. Yes.

TOWN ATTORNEY: Miss Damgard

BRITTAIN DAMGARD: I say no.

TOWN ATTORNEY: Mr. Griswold?

LENNY: And if you're one moment, if you're voting, no, please explain the basis for your, for your no vote.

BRITTAIN DAMGARD: I don't wanna see this stopped right now.

TOWN ATTORNEY: So. Ok. Mister Griswold

ALEX GRISWOLD: I'm gonna go no

ANNE METZGER: YES

TOWN ATTORNEY: Miss Brooker

CATHERINE BROOKER: NO.

SUE PATTERSON: I, I'm phoning with Alex on this one. Alex Ives.

TOWN ATTORNEY: Ok. That's, 4 to 3, that carries.

LENNY: And I think from Miss Brooker, we just need a reason to state it, please.

CATHERINE BROOKER: I don't wanna see it stopped. And, I, I don't think we should plant it to town council.

TOWN ATTORNEY: You do not.

CATHERINE BROOKER: I do not.

BRITTAIN DAMGARD: I mean, in saying this, it puts the, the onus on you all to come back with all the things that need to be done and for them to get to it.

SUE PATTERSON: We, we have, we have coddled this project.

TIM BOWSER: We, we're working on that right now on a critical path method to get a much more stringent time frame to finish this project.

SUE PATTERSON: I, I've been here for eight years. I feel for you. It's a, it's a, it's very, it's very difficult but I, I it is just in, it's just not going anywhere and it, and it is just very, it's very stressful to, get emails at all

hours of the night that are really, I, I, they're disturbing, they're insulting, they're disturbing. Everyone up here is doing this because we love the town.

We are doing it as a, you know, a gift to the town because that's how much we care. And, and so maybe this will, I think this will be a good thing because it will force this to, to, to move. And I, I'm, I'm, I'm very sorry, but we can't have it 50 ways I I it's a very difficult situation. I do. I I have mixed feelings about it. I I'm I'm very sorry.

TIM BOWSER: Putting a lot of people out of work.

SUE PATTERSON: Ok. Yeah. Should we take a five minute break? Ok. Five minutes.

EXHIBIT 3

Sec. 54-123. - Exterior alterations.

- (a) The criteria set forth in section 54-122, if applicable, shall be considered in passing upon an application for exterior alterations; provided that the commission may consider the original design of the building and the buildings visually related to it and disregard alterations subsequently made thereto.
- (b) Exterior alterations shall not affect the architectural quality or historical character of the building.

(Code 1982, § 16-41(b))

EXHIBIT 4



BOTKIN PARSSI & ASSOCIATES, INC.

CONSULTING ENGINEERS

July 2, 2024

ATTENTION: Town of Palm Beach
Landmark Commission members

PROJECT: 70 Middle Rd.
Palm Beach, FL 33480

BPA Project No.: 23-054

RE: Renovation of Exterior West, North and Vaulted Loggia walls

I am writing to provide a brief description of structural deficiency of the walls referenced above due to existing condition and field discoveries. Existing windows and doors in these walls will be replaced plus there will be new added larger proposed windows. The existing north terracotta wall is not in a satisfactory condition, and many cavities with brick infill were discovered within the wall. The existing terra cotta wall changes from 8" to 4" above the second floor where the new laundry room framing will be tied into. The existing terra cotta wall cannot be used to support the new framing and any new penetrations through the wall @ 12" or 16" o.c. will cause the veneer to crack and unstable due to existing condition without any wall ties.

The existing house is built in 1924 with structural wood frame on shallow foundation and slab on grade. Typical exterior wall consists of wood stud backup and terra cotta veneer. Structural terra cotta wall and brick arches are found at Vaulted Loggia exterior wall. Cracks were found at West and Vaulted Loggia exterior walls. ¼" diagonal and vertical cracks were discovered under the gallery window sill in the terracotta wall and the brick arch below. The existing structural terracotta wall or veneer is a hollow unreinforced wall without any wall ties to the backup wall system.

After reviewing the existing conditions with TAB construction, it was decided that it would be almost impossible to reinforce and grout the existing terra cotta walls due to age and conditions described above to meet the code loading requirements. I recommended that structural remedial work is required to replace the existing terra cotta walls with new reinforced CMU or concrete wall to meet the loading requirements of current Florida building code.

Respectfully,
BOTKIN PARSSI & ASSOCIATES, INC.

Thomas Abbasi, P.E.

EXHIBIT 5

Sec. 54-125. - Demolition.

- (a) *Generally.* For demolition of a landmark or a building in an historic district, the following should be considered:
- (1) The historic or architectural significance of the building.
 - (2) The importance of the building to the overall ensemble of buildings within the district and the importance of the building to the integrity of the historic district.
 - (3) The special character and aesthetic interest the building adds to the district.
 - (4) Whether the building is one of the last remaining examples of its kind in the neighborhood, historic district or city.
 - (5) The difficulty or the impossibility of reproducing such a building because of its design, texture, material, detail, or uniqueness of location.
 - (6) The future utilization of the site and the effect those plans for the site will have on the architectural, historical, archaeological, social, aesthetic or environmental character of the surrounding area and district.
 - (7) Whether reasonable measures can be taken to save the building from further deterioration, collapse, arson, vandalism or neglect.
- (b) *Partial demolition.*
- (1) In the event of a request for a partial demolition, in addition to the above criteria, the commission shall consider the impact of the proposed demolition on the architectural and historical integrity of the remaining structure.
 - (2) If a determination is made by the commission that a demolition permit will not be granted on the basis of those items specified in subsection (a) of this section, the applicant may within 30 days of notice of the decision of the commission apply for an exception of extreme economic hardship on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.
- (c) *Appeals on grounds of extreme economic hardship.* When a claim of extreme economic hardship is presented, the property owner/applicant must prove he cannot realize any reasonable and beneficial use of or return from the property. The finding of the commission shall be made by considering, and the property owner/applicant may submit to the commission, evidence establishing each of the following factors:
- (1) The current levels of economic return on the property as considered in relation to the following:
 - a. For all property:
 1. Real estate taxes for the previous four years and the assessed value of the land and improvements thereon according to the two most recent assessed valuations.

2. The amount paid for the property and the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired.
 3. The fair market value of the property immediately prior to its designation as a landmark and/or designation of the historic district and the fair market value of the property (in its protected status as a landmark or contributing structure within an historic district) at the time the application for certificate of appropriateness is filed.
 4. Remaining balance of any mortgage or other financing secured by the property and the annual debt service, if any, for the previous two years.
 5. All appraisals obtained within the previous two years by the property owner/applicant in connection with the purchase, financing or ownership of the property.
 6. Any state or federal income tax returns on or relating to the property for the past two years.
 7. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture, or other.
- b. For income producing property:
1. Annual gross income from the property for the previous two years.
 2. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.
 3. Depreciation deduction and annual cash flow, if any, for the previous two years before and after debt service, if any, during the same period.
 4. Proof that efforts have been made by the owner to obtain a reasonable return on this investment based on previous service.
 5. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (2) The marketability of the property considered in relation to any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
- a. Any real estate brokers or firms engaged to sell or lease the property.
 - b. Reasonableness of the price or rent sought by the applicant.
 - c. Any advertisements placed for the sale or rent of the property.
 - d. Any contracts for purchase submitted.

(3)

The infeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

- a. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - b. Estimate from a registered architect or professional engineer of the cost of construction, alteration, demolition or removal, and estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of proposed alterations.
 - c. Estimate from a qualified appraiser, with competent credentials, of the market value of the property in the current condition, after completion of the demolition, after completion of the proposed construction, and after renovation of the existing property for continued use.
 - d. In the case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or use of existing structure on the property.
 - e. Financial proof of the ability to complete the replacement project, which may include but is not limited to a performance bond, a letter of credit, a trust for completion of improvements, or letter of commitment from a financial institution.
 - f. Any other information the applicant feels is relevant to show extreme economic hardship.
- (4) The commission may require that an applicant furnish such additional information that is relevant to its determination of extreme economic hardship and may require that such additional information be furnished under oath. The commission may also furnish additional information as the commission or staff believes is relevant. In the event any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file an affidavit specifying the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.
- (5) The commission shall not consider a self-imposed hardship as an extreme economic hardship.

Should the applicant for demolition satisfy the commission that he will suffer an extreme economic hardship if a demolition permit is not recommended, such recommendation shall be made.

- (d) *Demolition and construction permits; plans.* Following recommendation of demolition, the applicant must seek approval of replacement plans based on the standards set forth in this section, prior to receiving a demolition permit. Replacement plans for this purpose shall include but not be limited to project concept, preliminary elevations and site plans, and adequate working drawings. Once the commission has approved the permit for replacement construction,

the demolition permit may be issued without further action. Permits for demolition and construction shall be issued simultaneously if the requirements set forth in this section are met and the property owner/applicant provides financial proof of his ability to complete the project. When the commission recommends approval of demolition of buildings of historic or architectural significance, permits shall not be issued until all plans for the site have received approval from all appropriate town departments.

- (e) *Time period for applications.* Applications for demolition, which demolition involves more than 50 percent of the cubic footage of a landmarked structure, shall be heard by the commission only during the months of November, December, January, February, March and April.

(Code 1982, § 16-41(d))

EXHIBIT 6

ADDRESS

70 Middle Rd

COMPONENT

Building

PERMIT

B-22-94449

Tew Taylor, Inc.

INSPECTION LOG

Private Provider Services

| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
|--|----------------------------|----------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 4-11-23 | FTG | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL PILING @ FTG-WEST LOGGIA (EASTSIDE) PASS PILING VERT DOWELS FOR REMAINING WALL AS PER PLAN | | | | | | |
| 4-11-23 | MODIFIED OPENING | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL PILING @ MID GATE MODIFIED ARCH OPENING (WESTSIDE OF HOUSE) WORK APPEARED ACCEPTABLE AS PER PLAN ✓ | | | | | | |
| 4-12-23 | FTG / REMAINING WALL | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: KENAP-STEEL PILING @ FTG + REMAINING WALL VERT. DOWELS w/ 1" 50 HORIZONTAL - WEST LOGGIA (EASTSIDE) WORK APPEARED ACCEPTABLE AS PER PLAN + FOR ENGINEER DIRECTIONS ✓ | | | | | | |
| 4-20-23 | SLAB | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL PILING @ SLAB ON GRADE - DRINKING PM WORK APPEARED ACCEPTABLE AS PER PLAN ✓ DENSITY REPORT @ FILE + SOIL TESTS PERMANENT CERTIFICATION @ FILE | | | | | | |
| 5-4-23 | COLUMNS | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL PILING @ NEW COLUMNS (GARDEN LEVEL) - VAULTED LOGGIA WORK APPEARED ACCEPTABLE AS PER PLAN ✓ | | | | | | |
| 5-18-23 | SLAB | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL PILING @ SLAB ON GRADE - VAULTED LOGGIA (#4 @ 6" OC EXPOSED SET INTO ADJACENT SLAB / BEAMS) WORK APPEARED ACCEPTABLE AS PER PLAN ✓ DENSITY REPORT + SOIL TESTS PERMANENT CERTIFICATION @ FILE | | | | | | |
| 5-23-23 | REMAINING WALL + PILE CAPS | S Dike Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL PILING @ REMAINING WALL CAP - CYPRESS LOGGIA (EASTSIDE) + PILE CAPS - GARAGE (PASS PILING ADJUSTMENTS) | | | | | | |

Tew Taylor, Inc.

INSPECTION LOG

Private Provider Services

| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
|---------|---|----------------|------|---------|---------|------|
| 11-7-23 | Stairwell Repair | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Steel Reinf (Adjustments) = South Side / Remaining Wall Repair Columns + Immediate Beam. AS per plan ✓ | | | | | |
| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
| 12-8-23 | Stairwell Repair / Fountain Wall | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Steel Reinf = South Side / Remaining Wall Repair (Upper Masonry Wall) + Mount Fountain CIP Conc Wall Work appeared acceptable AS per plan ✓ | | | | | |
| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
| 1-5-24 | Protect Signage Update | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Reviewed + Discussed Work In Progress w/ Contractor (Stairwell = 2nd Fl "GALLERY" over Vaupes Loggia) | | | | | |
| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
| 1-30-24 | Masonry Puncture Walls | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Steel Reinf = Mount Fountain Masonry Puncture Walls (1st Lift) Pass Pending Adjustments | | | | | |
| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
| 1-31-24 | Masonry Puncture Walls | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Steel Reinf (Adjustments) = Mount Fountain Masonry Puncture Walls (1st Lift). Work appeared acceptable AS per plan ✓ | | | | | |
| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
| 2-8-24 | In Progress | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Reviewed + Inspection Work In Progress (New FTG PADS - VAUPES LOGGIA) | | | | | |
| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
| 2-14-24 | FTG PADS | S Duke Bennett | ✓ | ✓ | ✓ | |
| INFO: | Steel Reinf = New FTG PADS (x2) - VAUPES LOGGIA Work appeared acceptable AS per plan ✓ Densifying Kerolan File | | | | | |

ADDRESS

COMPONENT

PERMIT #

Tew Taylor, Inc.

INSPECTION LOG

Private Provider Services

| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
|--|----------------------|-----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 2-21-24 | Masonry/Poured Walls | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL REINFC & NORTH FOUNDATION MASONRY/Poured WALLS (2nd LFT) Work Appeared Acceptable AS per plan ✓OK | | | | | | |
| 3-21-24 | Columns | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL REINFC & NEW Columns (x2) - VALUED LOGGIA (1st 4' LFT) AS per Plan 7/5-4 (PASS PERMITS ADJUSTMENTS) | | | | | | |
| 3-22-24 | Columns | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL REINFC (ADJUSTMENTS) & NEW Columns (x2) - VALUED LOGGIA (1st 4' LFT) Work Appeared Acceptable AS per plan 7/SA ✓OK | | | | | | |
| 3-28-24 | Slab Repairs | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL REINFC & Slab Repairs - VALUED LOGGIA Work Appeared Acceptable AS per plan ✓OK | | | | | | |
| 3-28-24 | Masonry Side Wall | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL REINFC & REMAINING SOUTH SIDE MASONRY WALL Work Appeared Acceptable AS per plan ✓OK | | | | | | |
| 3-28-24 | Beam | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL REINFC & NEW Concrete BEAM ON TOP of EXIST. MASONRY WALL - Kitchen + Pantry (West + North Elevations) Work Appeared Acceptable AS per plan ✓OK | | | | | | |
| 4-17-24 | In Progress | S. Duke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: REVIEWED + Inspected Work In Progress (New Ext. Masonry Walls, Columns, + Beams - Kitchen + Pantry (West + North Elevations)) | | | | | | |

ADDRESS

COMPONENT

PERMIT

Tew Taylor, Inc.

INSPECTION LOG

Private Provider Services

| DATE | INSPECTION | SOB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
|---|-------------------------------|-----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 4-22-24 | Masonry Walls Columns + Beams | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: (Permit) Steel Beam + Masonry Walls Columns + Beams - Kitchen + Porch (West + North Elevation) Pass Pending Adjustments | | | | | | |
| 4-23-24 | Masonry Walls Columns + Beams | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: Steel Beam + (Adjustments) + Masonry Walls Columns + Beams - Kitchen + Porch (West + North Elevation - 2nd LFT) Work Appeared Acceptable As per Plan ✓ | | | | | | |
| 5-7-24 | Shoring FTG Pads | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: Steel Beam + Temp Shoring FTG Pads (x6) - Dining RM North Wall As per Plan SH-1 Density Report on File Pass Pending Signed + Sealed Pads + Stamp of 3rd Party Anchor Bolts (2/SH-1) | | | | | | |
| 5-10-24 | In Progress | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: Curbside Review Signed + Sealed Shoring Pads + Verified 3rd Party Bolt Anchors + Temp Shoring FTG Pads - Dining RM North Wall | | | | | | |
| 5-22-24 | Shoring FTG Pad | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: Steel Beam + Temp Shoring FTG Pad - Garage (North Wall) Density Report on File Work Appeared Acceptable As per Plan SH-5 ✓ | | | | | | |
| 5-22-24 | Columns | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: (Permit - In Progress) Columns + Vaulted Loggia + Garage (South Elevation) | | | | | | |
| 5-29-24 | Columns | S. Dike Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: Steel Beam + Outer Columns (x2) 1st 4'0" LFT - Vaulted Loggia + Garage (South Elevation) As per Plan S-4 ✓ | | | | | | |

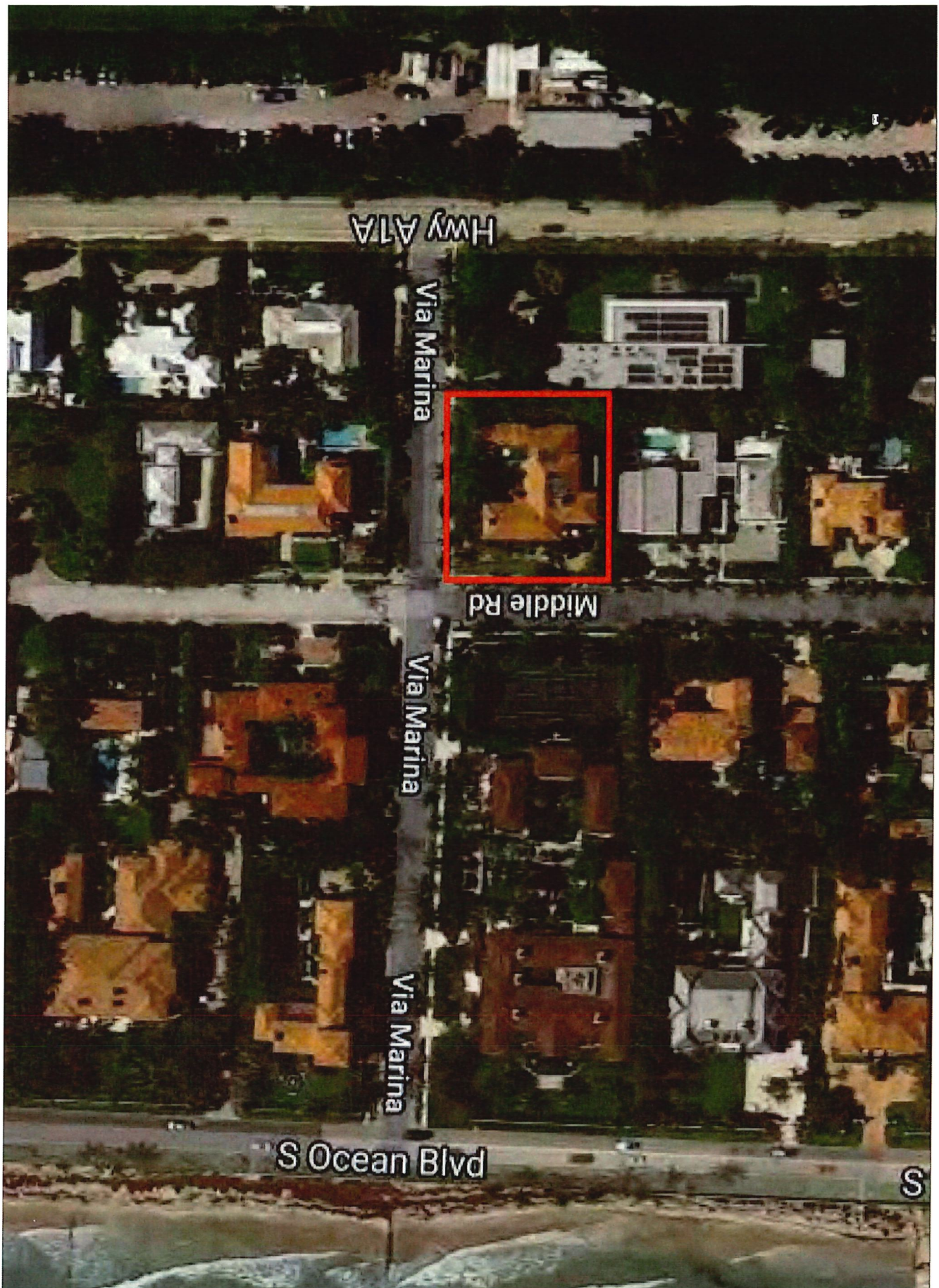
Tew Taylor, Inc.

INSPECTION LOG

Private Provider Services

| DATE | INSPECTION | SDB INSPECTOR | PASS | PARTIAL | COMMENT | FAIL |
|---|-----------------|---------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 6-13-24 | STOCKING PTB | SDuke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL KEUF + TEMP STOCKING PTB - GAUGE DUBBY KEUF ON FIRE WORK APPEARED ACCEPTABLE AS PER PLAN S4.5 ✓OK | | | | | | |
| 7-1-24 | COLUMNS | SDuke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL KEUF + COLUMNS (X4) - VAULTED LOGGIA + GALLERY (South Elevation) WORK APPEARED ACCEPTABLE AS PER PLAN S4 ✓OK | | | | | | |
| 7-19-24 | COLUMNS + BEAMS | SDuke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL KEUF + COLUMNS + BEAM - VAULTED LOGGIA + GALLERY (South Elevation) PASS HANGING HOOK DOUBLES + COLUMNS | | | | | | |
| 7-22-24 | COLUMNS + BEAMS | SDuke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: STEEL KEUF (HOOK DOUBLES + COLUMNS) - VAULTED LOGGIA + GALLERY (South Elevation) WORK APPEARED ACCEPTABLE AS PER PLAN S4 ✓OK | | | | | | |
| 7-29-24 | FOOTER GARAGE | OWEN STUEBE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INFO: FOOTER IN GARAGE IS SATISFACTORY TO PLAN. READY FOR CONCRETE | | | | | | |
| 8-23-24 | COLUMN | SDuke Bennett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: (PACING) STEEL KEUF + COLUMN - GARAGE (PASS) PILING (2) #5 DOUBLES AS PER PLAN | | | | | | |
| * Note: Requested Pile Report From Inspection Performed on 7-29-24 | | | | | | |
| 8-26-24 | COLUMN | SDuke Bennett | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| INFO: KEUF + STEEL KEUF + COLUMN - GARAGE WORK APPEARED ACCEPTABLE AS PER PLAN ✓OK KEUF DETAIL 2/5-24 TO FOLLOW | | | | | | |

EXHIBIT 7



LANDMARK # COA-24-0013
LPC HEARING DATE 8/21/24

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

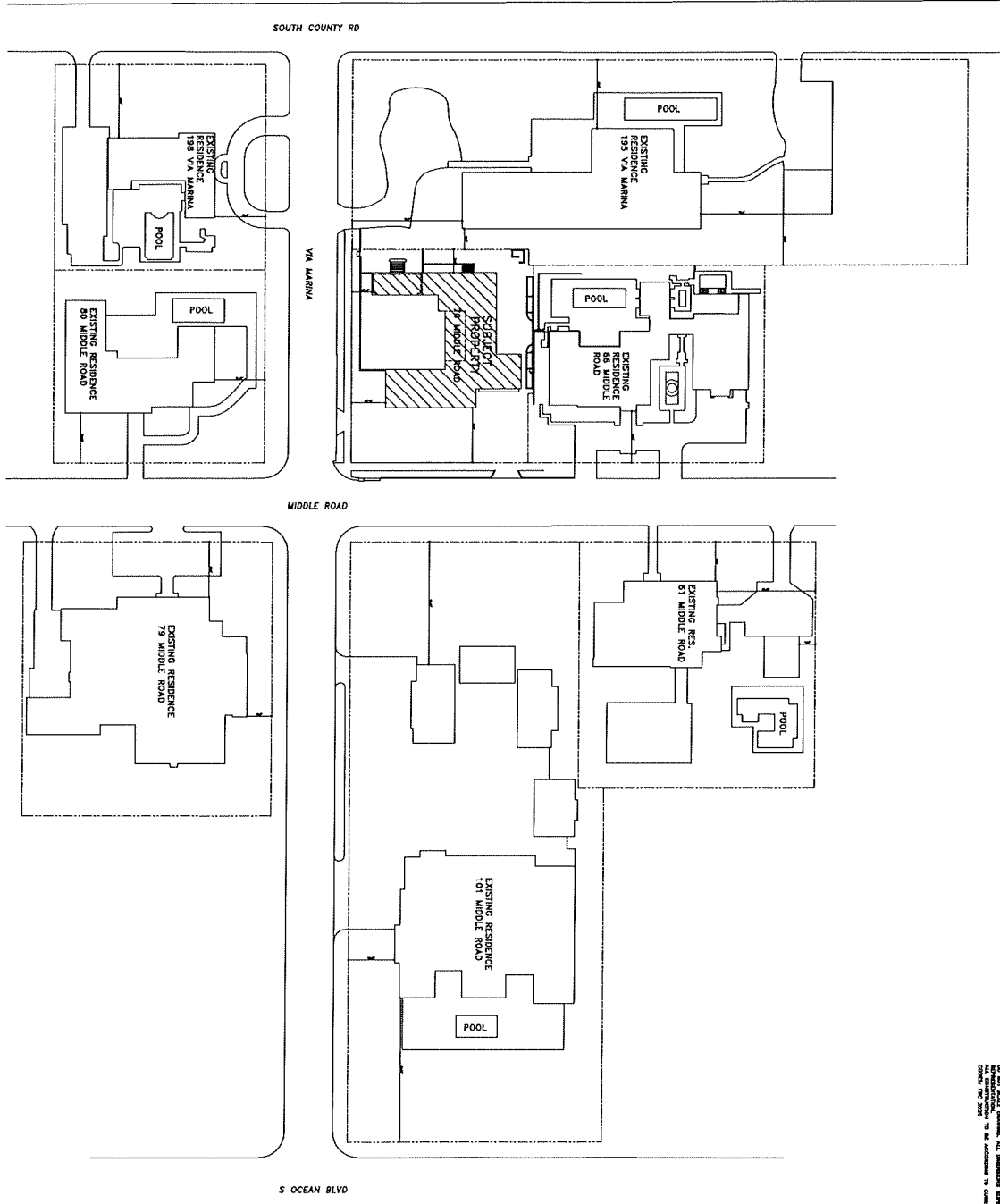
SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7678 FAX: 561.655.3533

FINAL PLANS SET
AUGUST 21, 2024, LPC

| |
|---------------|
| SHEET NUMBER: |
| DATE: |
| JOB # |
| 0445 |

| |
|------------|
| REVISIONS: |
| △ |

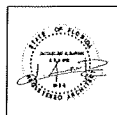
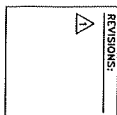




THE ARCHITECT, ENGINEER, ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND INTERIOR DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER, ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND INTERIOR DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER, ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND INTERIOR DESIGNER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

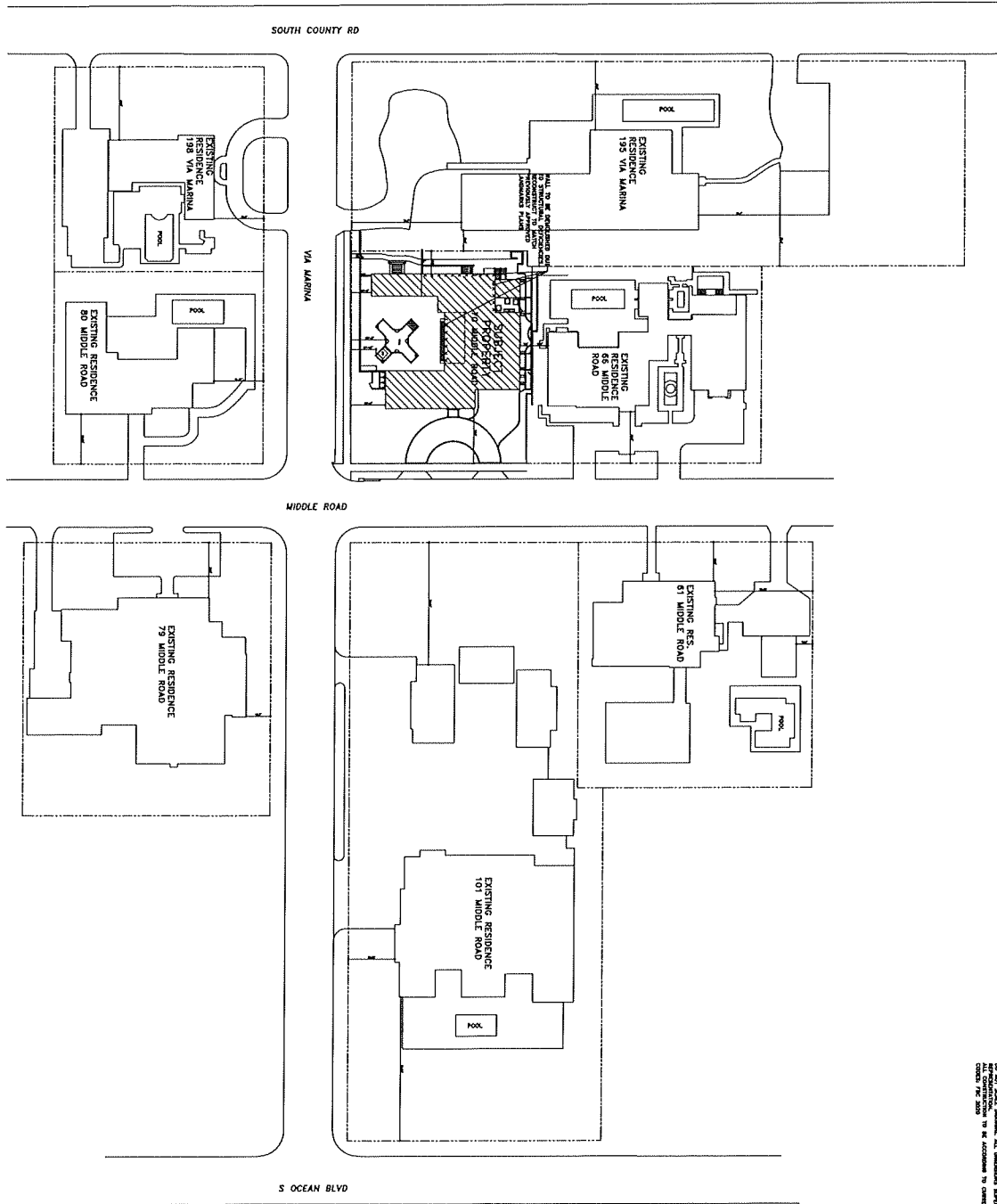
EXISTING SITE PLAN WITH NEIGHBORING PROPERTIES

| | |
|---------------|----------|
| SHEET NUMBER: | A1 |
| DATE: | 07-09-24 |
| JOB # | 0445 |



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70 MIDDLE ROAD
PALM BEACH, FLORIDA

SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7978 FAX: 561.655.3535

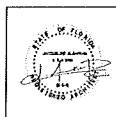


THE ARCHITECT, ENGINEER, PLANNER, AND LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER, PLANNER, AND LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE ARCHITECT, ENGINEER, PLANNER, AND LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

PROPOSED SITE PLAN WITH NEIGHBORING PROPERTIES

| | |
|---------------|----------|
| SHEET NUMBER: | A2 |
| DATE: | 07-09-24 |
| JOB # | 0445 |

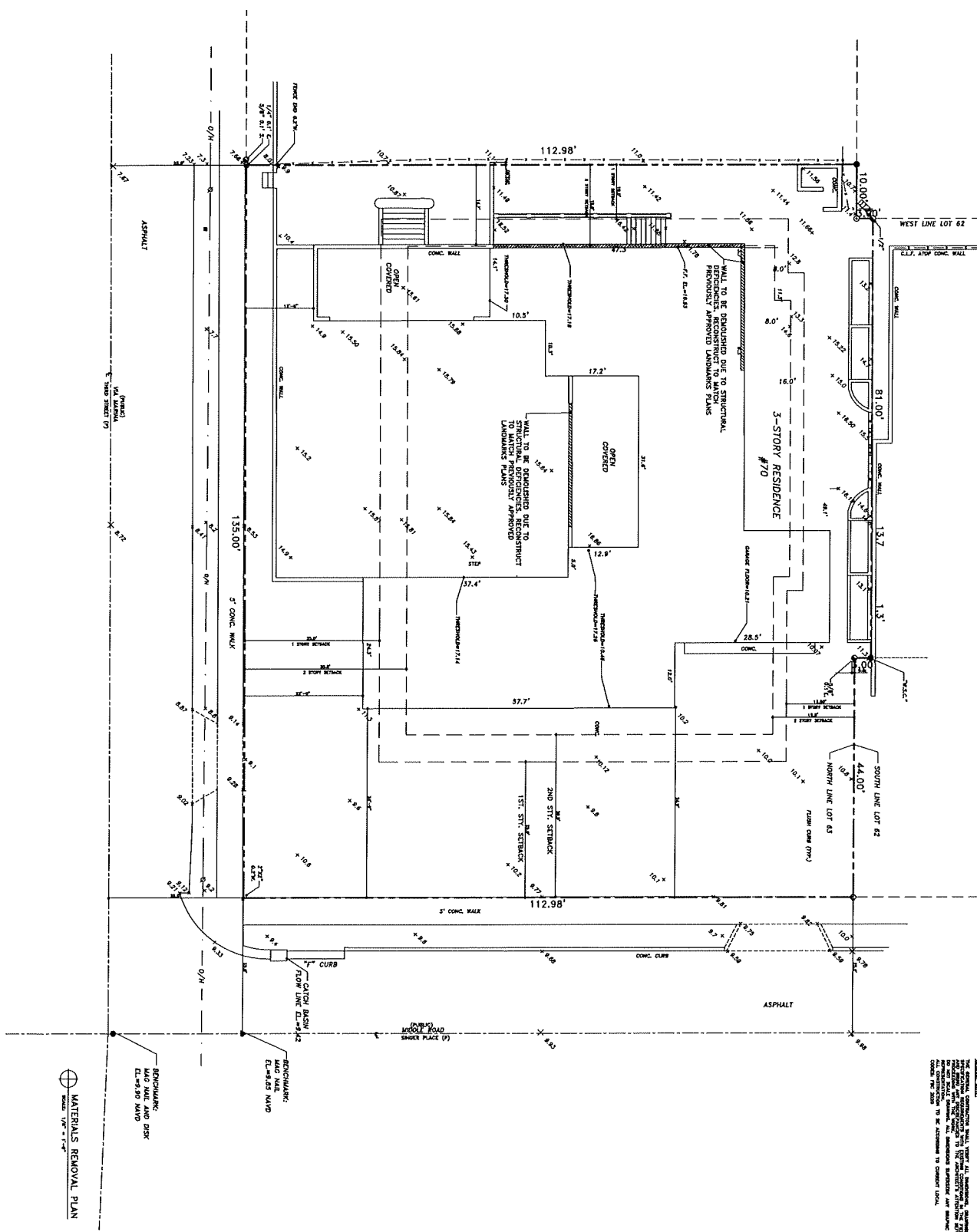
| | |
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| REVISIONS: | |
|------------|--|



NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

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SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.855.7978 FAX: 561.855.3535

THESE PLANS WERE PREPARED BY SCA ARCHITECT + PLANNER, INC. FOR THE USE OF THE CITY OF PALM BEACH. THE CITY OF PALM BEACH IS NOT RESPONSIBLE FOR THE ACCURACY OF THESE PLANS. THE CITY OF PALM BEACH IS NOT RESPONSIBLE FOR THE ACCURACY OF THESE PLANS. THE CITY OF PALM BEACH IS NOT RESPONSIBLE FOR THE ACCURACY OF THESE PLANS.



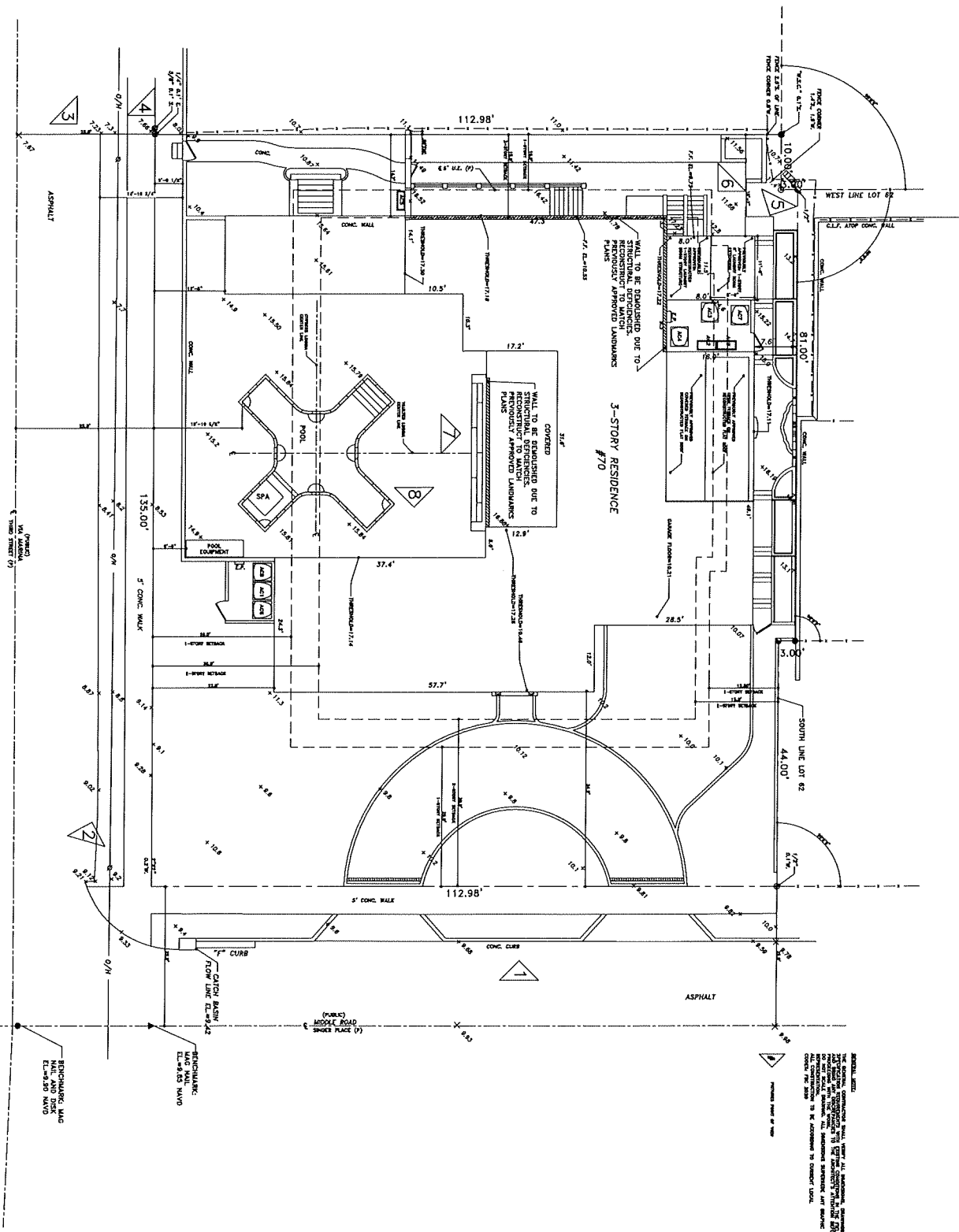
NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7474 FAX: 561.655.3535

SHEET NUMBER:
A3
DATE: 07-09-24
JOB # 0445

REVISIONS:
1





PREVIOUSLY APPROVED AND PROPOSED SITE PLAN

SHEET NUMBER:
A4
DATE: 07-09-24
JOB # 0445

REVISIONS:



NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

SKA
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324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7678 FAX: 561.655.3533

1



2



SUBJECT PROPERTY: EAST ELEVATION (front)

SOUTH ELEVATION (side)

3



4



SOUTH ELEVATION (side)

SOUTH ELEVATION (side)



5

NORTHWEST CORNER VIEW (REAR)



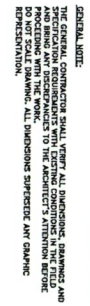
6

WEST ELEVATION (REAR)



INTERIOR COURTYARD



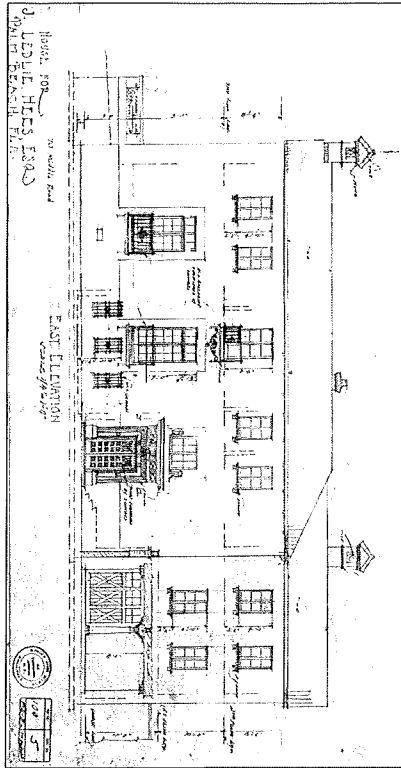


SKA
SKA ARCHITECT + PLANNER
204 PHIPPS PLAZA
TEL: 561.655.7676
PALM BEACH, FLORIDA
FAX: 561.655.3533

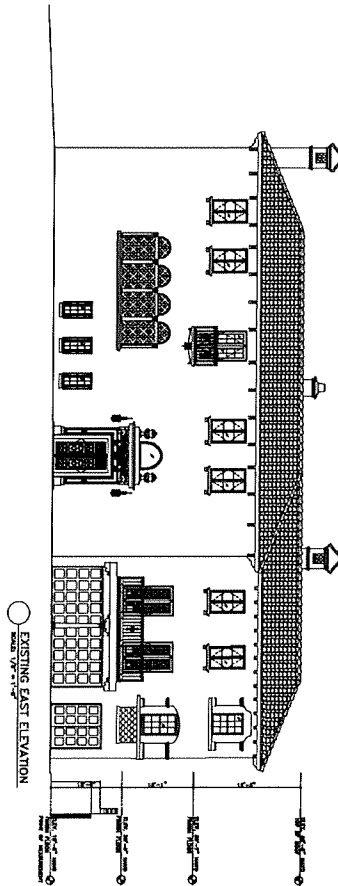


| | |
|---|--|
| REVISIONS: | |
| <div style="border: 1px solid black; width: 100px; height: 100px; margin: 10px auto; text-align: center; line-height: 100px;">A</div> | |

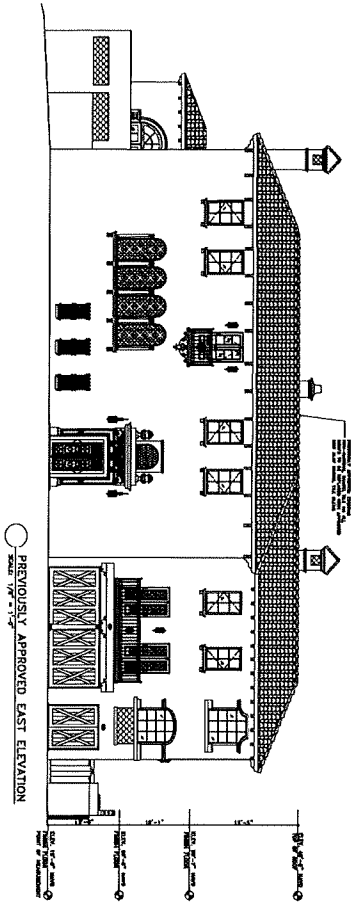
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| SHEET NUMBER: |
| A5 |
| DATE: |
| 07-09-24 |
| JOB # |
| 0445 |



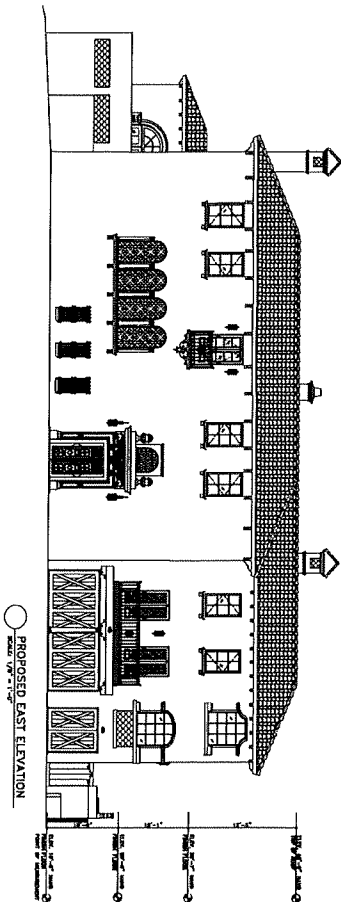
ORIGINAL EAST ELEVATION
Scale: 1/8" = 1'-0"



EXISTING EAST ELEVATION
Scale: 1/8" = 1'-0"



PREVIOUSLY APPROVED EAST ELEVATION
Scale: 1/8" = 1'-0"



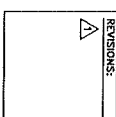
PROPOSED EAST ELEVATION
Scale: 1/8" = 1'-0"

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NAEGELE RESIDENCE
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TEL: 561.656.7676 FAX: 561.656.5533

SHEET NUMBER: A7
DATE: 07-05-24
JOB # 0445



NORTH WALL

9



10

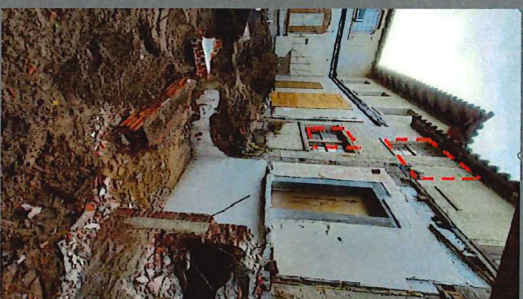


10

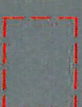


MANY HOLES AND CRACKS IN THE WALL WITH BRICK INFILL

9

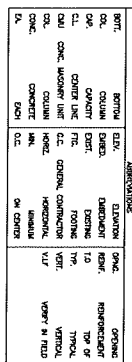


10



APPROVED NEW
WINDOW SIZES

ALL WINDOW AND DOOR OPENINGS TO BE MODIFIED
LEAVING THE WALL WITH TOO MANY PENETRATIONS



COMMENTS

- [illegible]

CONCRETE MASONRY NOTES

- [illegible]

MISCELLANEOUS

1. General Contractors hold every risk and location of their design, plans, specifications, and construction documents.
2. Architects are not responsible for the design of the building, but they are responsible for the construction of the building.
3. Contractors and their subcontractors are responsible for the construction of the building and the construction of the building.
4. Architects are not responsible for the design of the building, but they are responsible for the construction of the building.
5. Architects are not responsible for the design of the building, but they are responsible for the construction of the building.
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9. Architects are not responsible for the design of the building, but they are responsible for the construction of the building.
10. Architects are not responsible for the design of the building, but they are responsible for the construction of the building.

RENOVATION, REPAIR, OR IMPROVEMENT WORK

These drawings have been assembled based upon field measurements, scaling plans, observation of existing conditions and certain assumptions based upon general construction practices. If the contractor or owner finds the conditions not to be as detailed, he shall notify the engineer immediately.

SCOPE DEFINITION

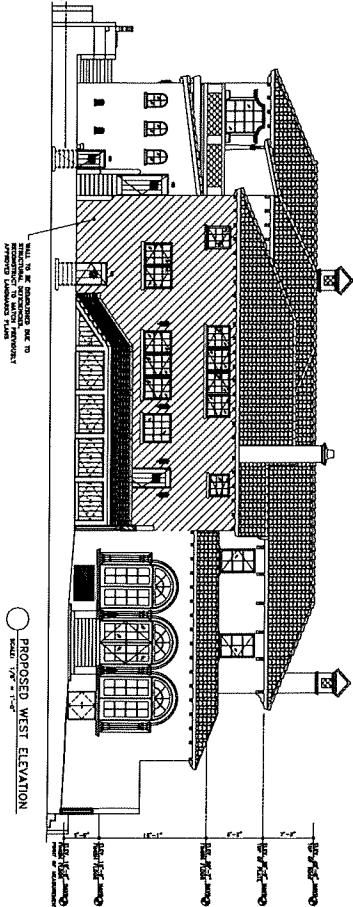
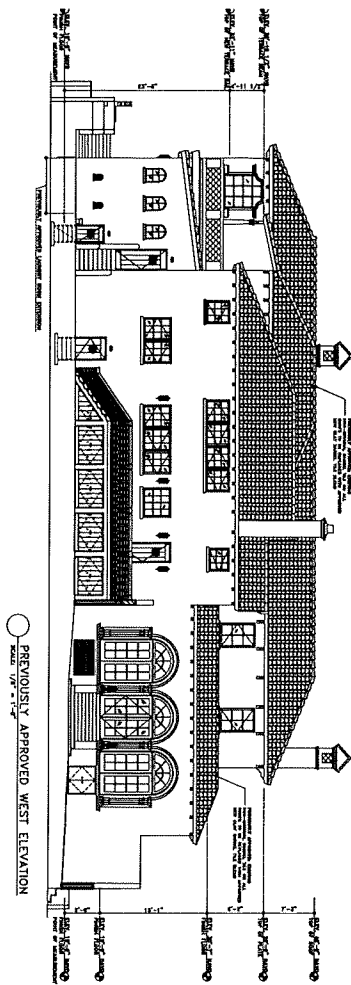
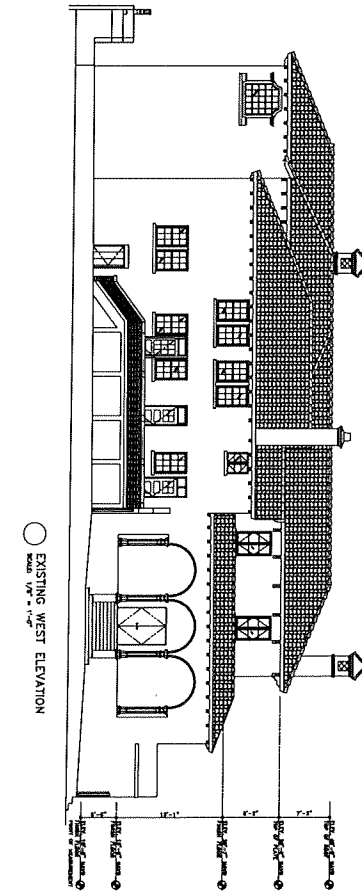
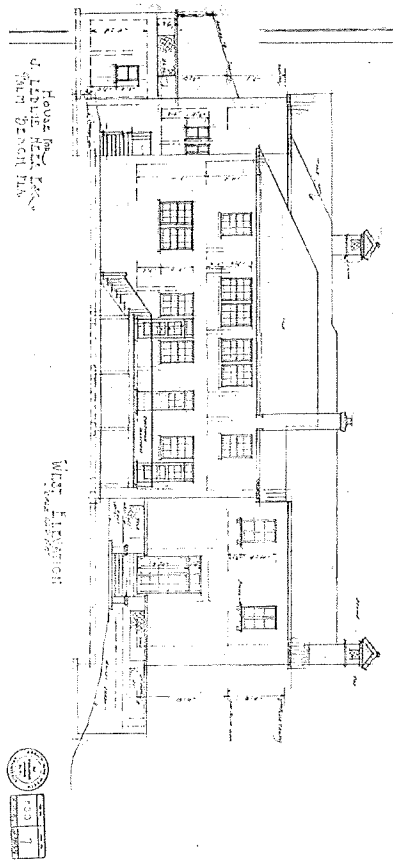
- [illegible]

DESIGN DATA

- [illegible]

| | 17% WPI (3 SEC. CUST.) |
|--|------------------------|
| BLACK WING SPEED | 1.05 |
| WING AREA | 1.05 |
| INTERNAL PRESSURE COEFFICIENT | +/- 0.10 |
| EXTERNAL PRESSURE COEFFICIENT | FT |
| DEIC. CRANKING | DECLARED |
| BUILDING DEVELOPER CRITERIA | |
| 10. ST. L. BKA. COMPONENT AND CLADDING AND PRESSURES | |
| CHALK ROOF SLOPE | 2/12 - 6/12 |
| HEAVY ROOF HEIGHT | 30 FT. |
| WALL DEIC. | +/- 70.81 PSF |
| WALL INTERIOR | +/- 57.37 PSF |
| ROOF CORNER | +/- 120.11 PSF |
| ROOF INTERIOR | +/- 72.50 PSF |
| ROOF INTERIOR | +/- 72.50 PSF |

[illegible]

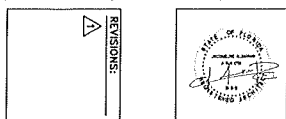


SPECIAL NOTES:
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.
 2. ALL MATERIALS SHALL BE OF THE BEST QUALITY AND SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL.
 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF PALM BEACH ORDINANCES.

NAEGELE RESIDENCE
 70 MIDDLE ROAD
 PALM BEACH, FLORIDA

SKA
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 TEL: 561.655.7476 FAX: 561.655.5533

SHEET NUMBER:
A9
 DATE: 07-09-24
 JOB # 0445



WEST WALL



APPROVED NEW
WINDOW SIZES

COLUMNS REMOVED FOR
NEW WINDOW OPENINGS

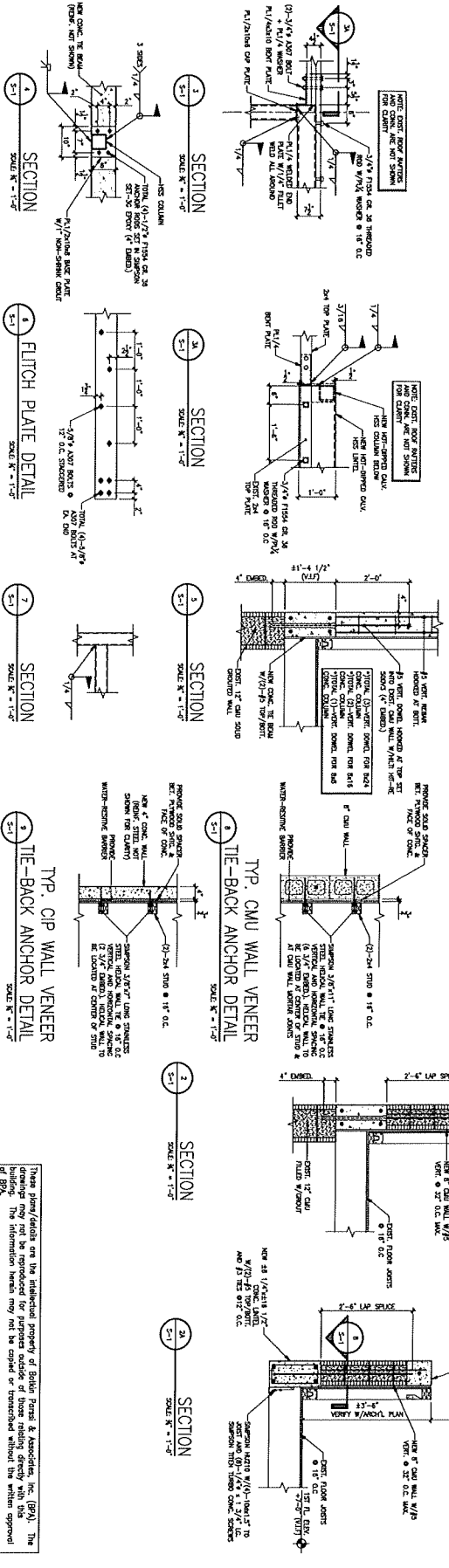
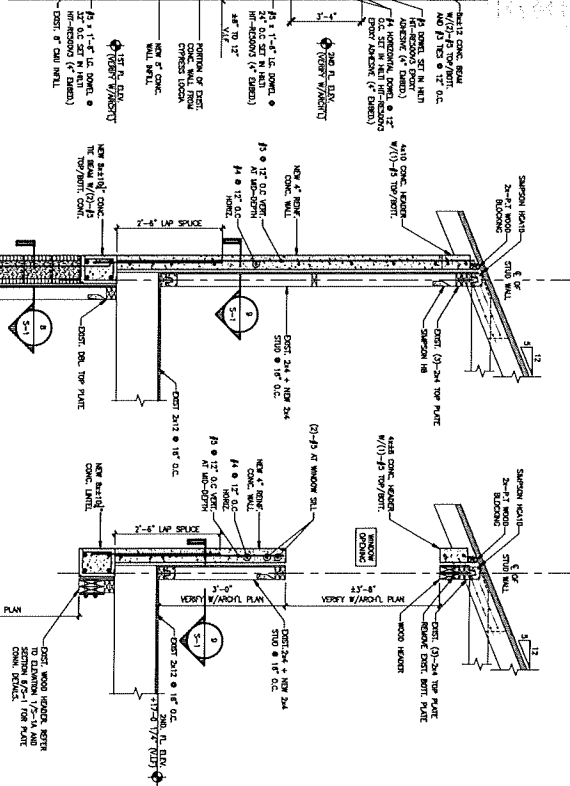
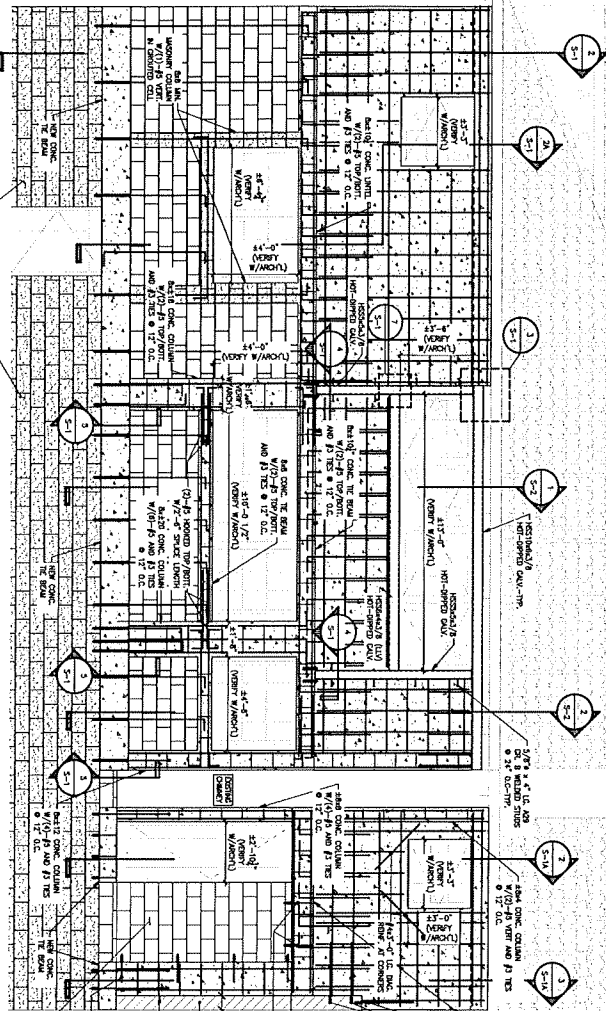
ALL WINDOW OPENINGS TO BE MODIFIED LEAVING
THE WALL WITH TOO MANY LARGE PENETRATIONS



DIAGONAL WALL CRACKS BETWEEN WINDOW OPENINGS

WEST WALL EXTERIOR ELEVATION AT GUEST LIVING & KITCHEN WINDOWS

SCALE: 1/8" = 1'-0"



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S-1

SCALE: 1/8" = 1'-0"

DATE: 4-28-2024

70 MIDDLE ROAD
PALM BEACH, FL 33480

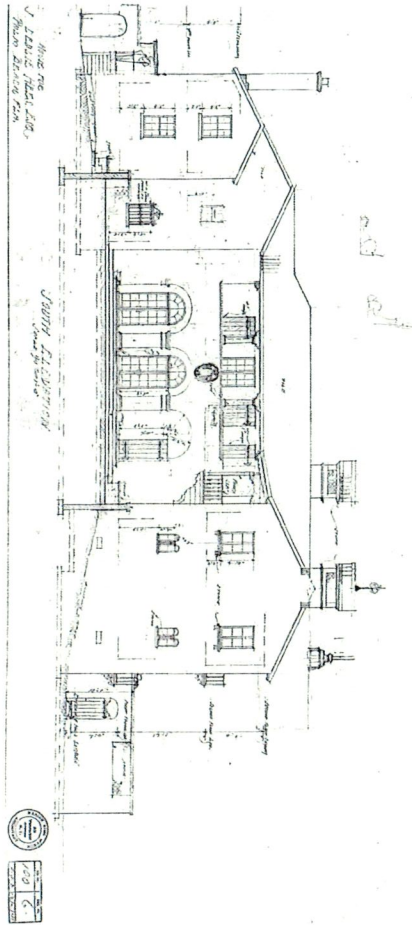
BOTKIN PARSSI & ASSOCIATES, INC.
CONSULTING ENGINEERS

2749 Exchange Court
West Palm Beach, Florida
33409-4038

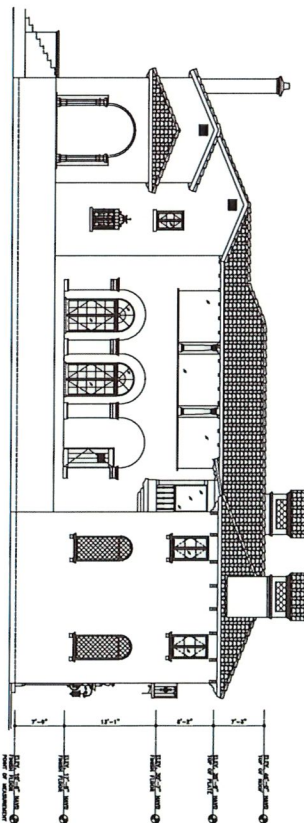
Phone: (561) 565-1897
Fax: (561) 565-4308
E-mail: info@botkinparssi.com
CA # 00021133

SHEET TITLE
WEST WALL WINDOWS
AND DOORS RETROFIT
SECTIONS AND
DETAILS

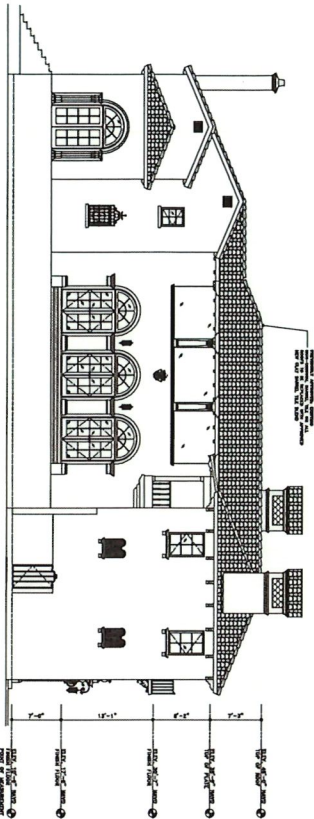
| NO. | DESCRIPTION | DATE | DRWN | CHK |
|-----|-----------------------------|-----------|------|-----|
| 1 | REDESIGNED FOR CONSTRUCTION | 4-28-2024 | JP | JP |



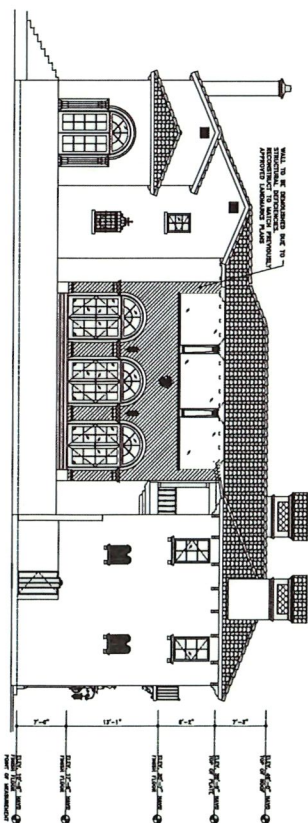
ORIGINAL SOUTH ELEVATION
Scale: 1/8" = 1'-0"



EXISTING SOUTH ELEVATION
Scale: 1/8" = 1'-0"



PREVIOUSLY APPROVED SOUTH ELEVATION
Scale: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION
Scale: 1/8" = 1'-0"

FINAL SET
AUGUST 21, 2024 LPC

FINAL SET
AUGUST 21, 2024 LPC

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 207, PALM BEACH, FLORIDA
TEL: 561.655.7878 FAX: 561.655.3533

| | |
|---------------|----------|
| SHEET NUMBER: | A10 |
| DATE: | 07-09-24 |
| JOB # | 0445 |

| | |
|------------|--|
| REVISIONS: | |
| | |

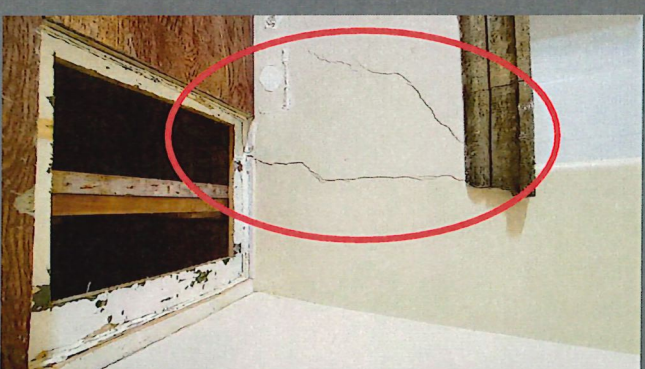


VAULTED LOGGIA / GALLERY

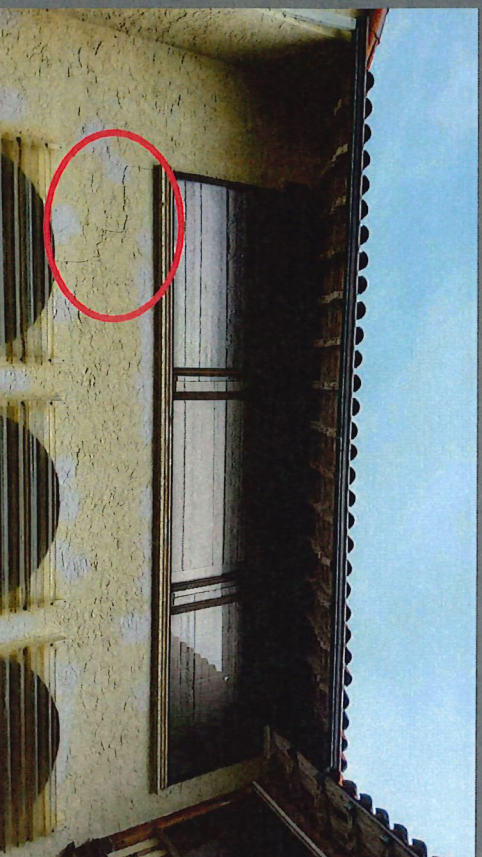


13

DIAGONAL CRACK IN THE TERRACOTTA WALL BELOW WINDOW SILL LOOKING FROM INSIDE



13



14

DIAGONAL CRACK IN THE TERRACOTTA WALL UNDER WINDOW SILL LOOKING FROM OUTSIDE



14



15

NOTES

THE TERRACOTTA WALL IS AN UNREINFORCED HOLLOW VENEER WALL AT NORTH AND WEST WALLS WITHOUT ANY WALL TIES TO THE STUD WALL BACKUP.

THE TERRACOTTA WAS NOT ALIGNED VERTICALLY, SOME WERE INSTALLED HORIZONTALLY AND OTHERS VERTICALLY, MAKING IT IMPOSSIBLE TO REINFORCE AND TO GROUT.



16

VERTICAL AND HORIZONTAL
ORIENTATION OF WALL
TILES MAKING IT IMPOSSIBLE
TO GROUT AND REINFORCE



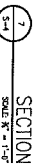
BROKEN TERRACOTTA TILES
MIXED WITH CMU AND BRICK
INFILL AT DIFFERENT
LOCATION



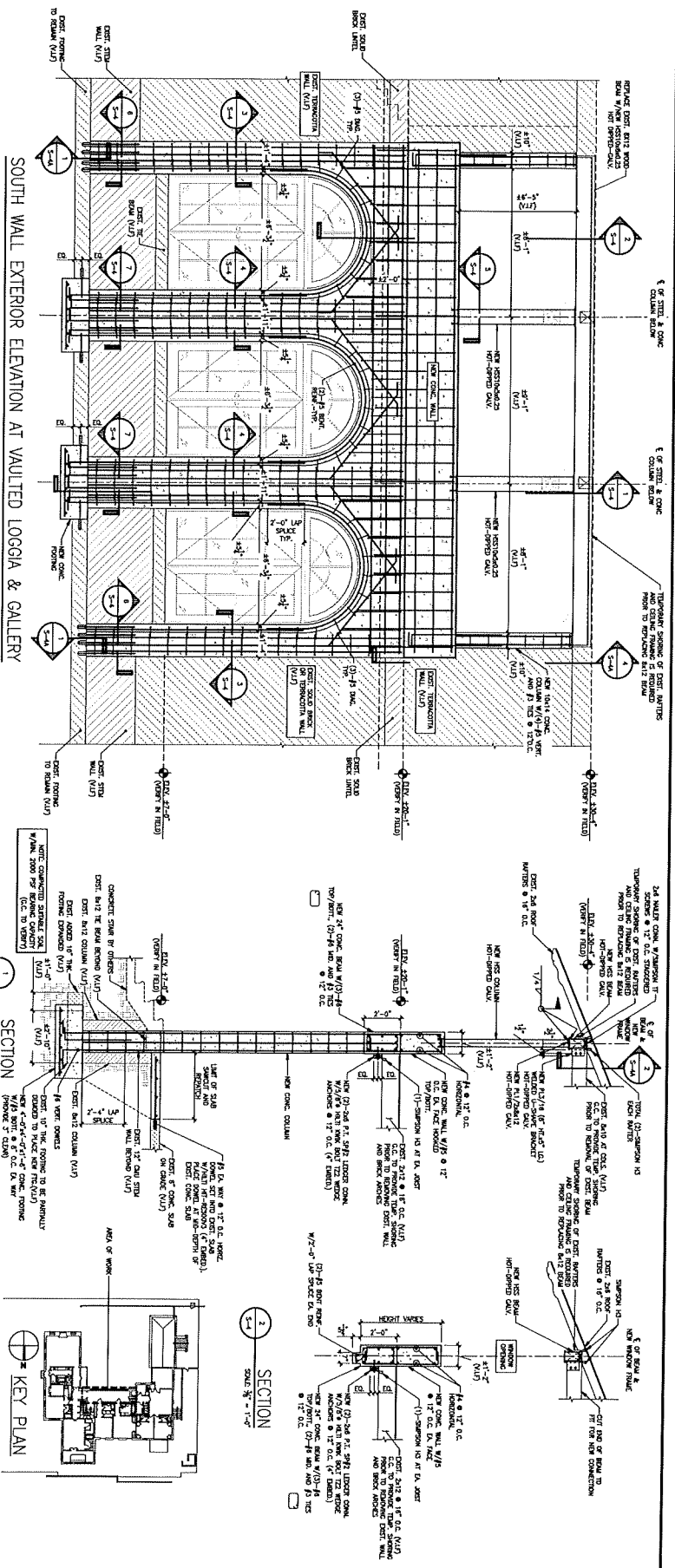
EXTERIOR WALL WITH TERRACOTTA VENEER AND STUD WALL
BACKUP. THE TERRACOTTA WALL IS A HOLLOW CLAY TILES AND
UNREINFORCED WITH ROUGH MORTAR BEDS BETWEEN JOINTS.
DAMAGED AND BROKEN TILE PIECES ARE FOUND AT VARIOUS
LOCATIONS.

17

18



SOUTH WALL EXTERIOR ELEVATION AT VAULTED LOGGIA & GALLERY

[illegible]

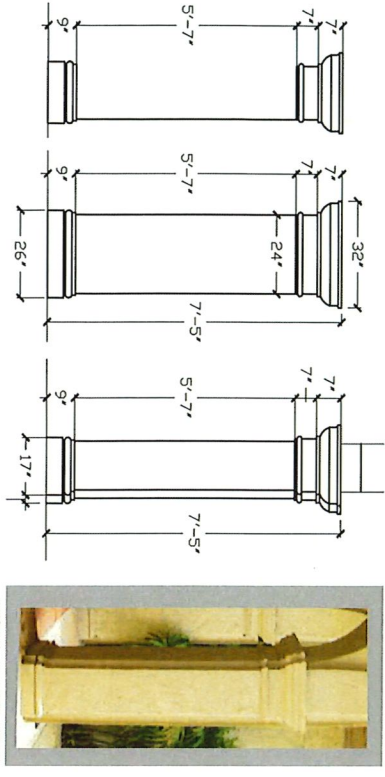
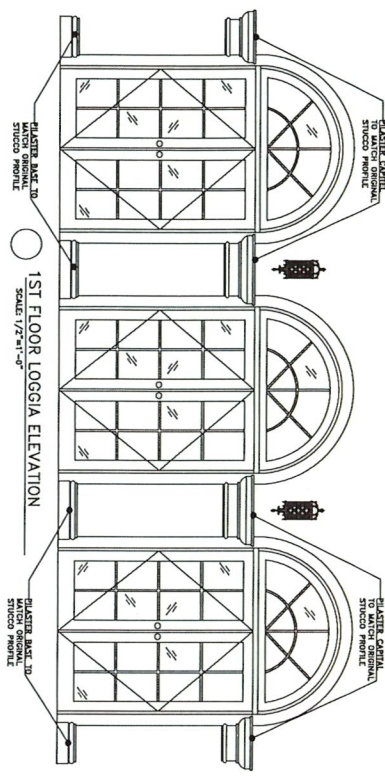
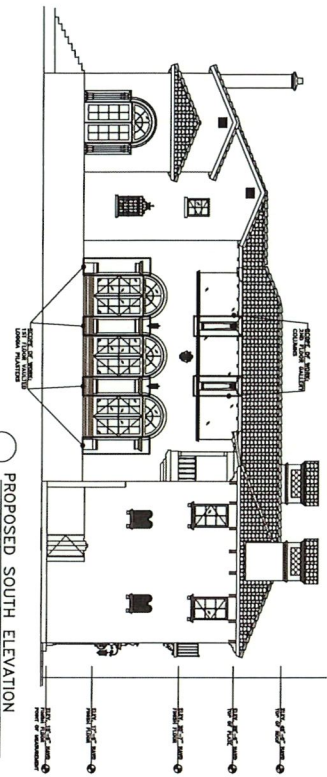
SHEET TITLE
**VAULTED LOGGIA
DOORS & 2ND FLOOR
GALLERY WINDOWS
RETROFIT**

| | | |
|---|--|---|
|  | BOTKIN PARSSI & ASSOCIATES, INC. CONSULTING ENGINEERS | |
| | Phone: (561) 985-1957 Fax: (561) 985-4308 E-Mail: GORDON@PARSSI.COM | 2749 Exchange Court West Palm Beach, Florida 33409-4038 |

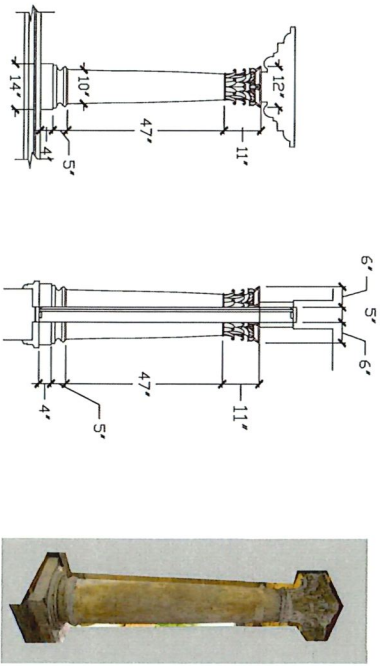
70 MIDDLE ROAD
PALM BEACH, FL 33480

| | |
|-------|---------|
| SCALE | AS-NOTE |
| JOB | 23-054 |

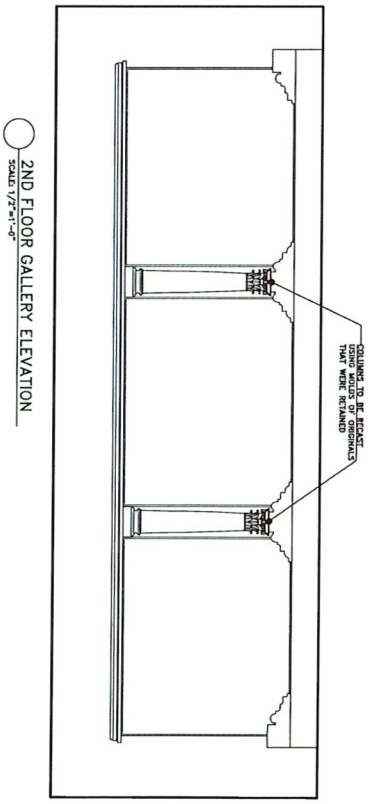
S-4



ORIGINAL PILASTER DESIGN



RETAINED ORIGINAL COLUMN



DISCLAIMER: SKA ARCHITECT + PLANNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DOCUMENT. THE INFORMATION IS PROVIDED FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

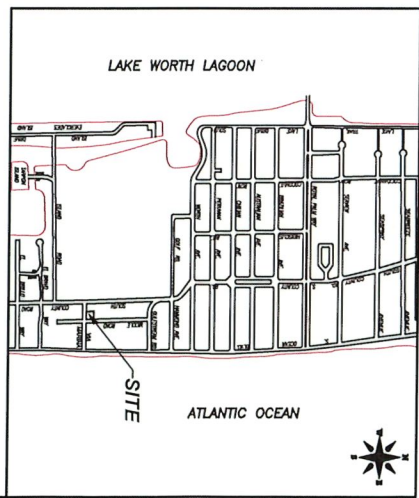
SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL 561.655.7878 FAX 561.655.3553

| | |
|---------------|----------|
| SHEET NUMBER: | A 1 1 |
| DATE: | 07-09-24 |
| JOB # | 0445 |

| | |
|------------|--|
| REVISIONS: | |
| | |

LEGEND

-
- NOTES:**
- No this plat or of any other plat of land, the survey is not to be used for any other purpose than that for which it was made.
 - Boundaries shown herein, as to line and distance, are based on the survey of the land shown herein.
 - This plat is not to be used for any other purpose than that for which it was made.
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 - Boundaries shown herein, as to line and distance, are based on the survey of the land shown herein.
- CERTIFICATION:**
- I, **HERBERT A. STONE**, of the County of **San Diego**, State of **California**, do hereby certify that the above is a true and correct copy of the original survey of the land shown herein, as the same appears from the records of the County of **San Diego**, State of **California**, and that the same is a true and correct copy of the original survey of the land shown herein, as the same appears from the records of the County of **San Diego**, State of **California**.
- HERBERT A. STONE**
Surveyor
- NOTES:**
- No this plat or of any other plat of land, the survey is not to be used for any other purpose than that for which it was made.
 - Boundaries shown herein, as to line and distance, are based on the survey of the land shown herein.
 - This plat is not to be used for any other purpose than that for which it was made.
 - Boundaries shown herein, as to line and distance, are based on the survey of the land shown herein.
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- CERTIFICATION:**
- I, **HERBERT A. STONE**, of the County of **San Diego**, State of **California**, do hereby certify that the above is a true and correct copy of the original survey of the land shown herein, as the same appears from the records of the County of **San Diego**, State of **California**, and that the same is a true and correct copy of the original survey of the land shown herein, as the same appears from the records of the County of **San Diego**, State of **California**.
- HERBERT A. STONE**
Surveyor



This survey is made specifically and only for the following party(ies) for the purpose of Disability on the surveyed property.

Jennifer Neegole

The undersigned surveyor assumes no responsibility or liability for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS:
70 Middle Road, Palm Beach, FL 33460

LEGAL DESCRIPTION:
The South three (3) feet of the West Eighty-one (81) feet of Lot Sixty-Two (62), all of Lots Sixty-Three (63) and Sixty-Four (64) and the East ten (10) feet of Lot Seventy-Nine (79), SINGER ADDITION TO BALDWIN SUBDIVISION, TOWN OF BALDWIN, COUNTY OF WISCONSIN, 1ST P. 100.

FLOOD ZONE: According to the First thereof on file in the Office of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 37.

This property is located in Flood Zone X, according to F.I.R.M. (Flood Insurance Rate Map) N 12099C, dated October 5, 2017.

1000000

REVISIONS:
06/15/19 SPOT ELEVATIONS, SURVEY & TIE-IN UPDATES
PB278/73

RECERTIFY M.B. 04-11420

Boundary Survey

See set forth by the Florida Board of

JENNIFER NAEGE

LAST FIELD SURVEY: 06/15/2019

FIELD: B.M. JOB No.: 04-1145

| | | | |
|---------|------|-------|-------------|
| OFFICE: | M.B. | DATE: | 04/27/04 |
| CKD.: | C.W. | REF.: | 04-1145.DWG |

| | | | | | | | |
|--------|-----|--------------|------------|---------|--------|------|----|
| REC'D | RM | DO NOT WRITE | 100-441145 | FILE | 9808 | PAGE | 30 |
| OFFICE | MA. | DATE | 04/27/84 | DWG NO. | 04-115 | | |
| BY: | CW | REV: | 04-115-000 | SHEET | 1 OF 2 | | |

EXHIBIT 8

Sec. 54-41. - Appeals and review.

The applicant or any interested party may file an appeal to the town council on any ruling by the commission or the building official made pursuant to this chapter. The appeal shall take the form of a letter addressed to the town clerk and shall be based upon the record. The appeal shall be filed or made within ten days. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this chapter. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the commission or building official until the town council has decided the appeal. The town council may review any decision of the commission or the building official, and their disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

(Code 1982, § 16-46; Ord. No. 6-06, § 1, 7-11-06; Ord. No. 15-2014, § 1, 10-14-14)