

**From:** Gigi Tylander <gtylander@gmail.com>  
**Sent:** Thursday, September 26, 2019 3:41 PM  
**To:** Town Clerks Staff <TownClerk@townofpalmbeach.com>  
**Subject:** Request For Appeal -Revised

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This is to request that the Council review the Landmarks Preservation Commission ruling of August 21, 2019 designating all homes facing Seaview, Seaspray and Seabreeze as a Historic District.

The Town Code provides for a notice and an opportunity for interested parties /property owners to be heard before the Landmarks Preservation Commission places properties under consideration as a landmark district. This was not done.

The process is backwards. As property owners we ask that Landmarks Preservation Commission slow down, educate and give proper notice to all concerned before moving to encumber our homes.

As our Council we ask that you remove the Historic Designation until all concerned property owners are given a chance to review the pros and cons of a Historic District designation.

Respectfully,

Gigi and Bill Tylander  
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October 26, 2019

To: Town Clerk of Palm Beach

"Seas Landmarking ruling and vote of the Landmarks Commission of Sept 18, 2019"

As to Sect 64-41

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 form of a letter addressed to the town clerk and shall be based upon the record. The appeal shall be filed or made with 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 with 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.

As per Sect 64-41 (above), I am requesting:

1. To have the Council review the last ruling of the Landmarks Commission of Sept 18 and
2. Citing as "the reason, among other things there was no proper notice by the Landmarks Commission as required by law since the beginning, to neighbors affected whose properties have been encumbered by the Landmarks Commission ruling"

Thank you for reviewing this note and informing the Town Council of my wishes.

Polly Wulsin

Seabreeze Avenue

SEP 27 2019

Town Manager's Office

DANIEL A. HANLEY

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Palm Beach, FL 33480

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**Subject: Seas Landmarking Ruling and Vote of the Landmarks Commission on  
September 18, 2019 – Request for Appeal Pursuant to Section 54-41**

My wife, Denise, and I are writing to you as long-time residents of the Town of Palm Beach, having lived in the lake block of Seabreeze Avenue since 1981. We have seen many changes over the years, both in town, generally, and on our street, Seabreeze Avenue. All of the changes we feel have been good, and the new homes that have been built have contributed substantially to the beauty and ambience of our neighborhood.

We were shocked, dismayed and caught off-guard by the recent decision of the Landmarks Preservation Commission to place the Sea Streets under consideration for designation as an historic district. The initial meeting where this was considered was done without any notice to us or our neighbors. It appears the Landmarks Commission is determined to push this proposal forward without proper notice and an opportunity for the residents to register their objections and for the Commission and/or the Town Council to hear evidence as to why the Sea Streets should not be designated an historic district. The Landmarks Preservation Commission had to know, on the first vote, if not the second vote confirming their prior decision, that the Sea Street residents would vehemently object to such a proposal. We believe that most, if not all, of the Sea Street residents, like ourselves, do not need or want such a designation.

Accordingly, we appeal to the members of the Town Council to review the last ruling of the Landmarks Commission on September 18, 2019, and to ask the Landmarks Commission to voluntarily reverse their decision, or in the alternative, to override their decision by a majority vote of the Town Council on the grounds that they did not give proper notice to the neighbors affected by their decision, whose properties have now been encumbered by the Landmarks Commission ruling. We were not notified, and therefore were not aware, that this discussion (much less formal action) was going to move forward at either meeting. Clearly, due process was not provided to us or our neighbors.



Furthermore, the essential requirements of law means that the Landmarks Commission is required to follow the Town Code, Florida and Federal law, before making a decision that deprives anyone of their property rights. Therefore, the law requires us to receive notice and to have an opportunity to be heard before our 5<sup>th</sup> and 14<sup>th</sup> Amendment rights are infringed.

The Landmarks Commission must also base all of its decisions upon competent, substantial evidence, which means evidence that a reasonable person would find reliable to support the decision. I have not read, and it does not appear, that the Commission made any findings of fact as to whether the Sea Streets neighborhood qualifies as an Historic District under the Landmarks Code, other than to say that it is special and different from other neighborhoods, in their opinion. The Commission mistakenly believes that there is a sense of urgency needed to preserve the neighborhood and prevent additional homes from being demolished and rebuilt. We disagree. Many of the homes that have been demolished needed to be demolished. Furthermore, FEMA and other requirements would add an additional burden to the homeowners who needed to raise the elevation of their older homes to meet current Code and avoid potential flooding.

There are numerous other reasons why designating the Sea Streets an historic district is misguided and unnecessary. Existing landmarks rules and regulations allow individual homes to be designated, and that is the proper way to proceed going forward, rather than designating an entire district. Also, the Zoning Code rules and regulations govern how new homes are to be built, and that seems to be working just fine. However, if needed, additional incentives could be provided through the Zoning Code to incentivize owners to renovate older homes.

We agree with the recent Palm Beach Daily News Opinion Letter, which stated "This whole process is unworthy of a town board. By first not putting the item on its Aug. 21 agenda, then ignoring the council's not-so-subtle request and angering the very residents they need a consensus from, doesn't make for good public policy."

Finally, it appears that this whole process has been mismanaged and is now creating unnecessary anxiety and serious concerns among your fellow residents here on the Sea Streets. We rely upon your good judgment and knowledge of the history of our town to properly protect our rights as residents of the Sea Streets. Because the Landmarks Preservation Commission did not afford due process, did not follow the essential requirements of law, and did not base its decision on competent substantial evidence, we hereby appeal the decision of the Landmarks Preservation Commission to place our Sea Streets neighborhood under consideration for designation as an historic district.

Thank you for your consideration.

Sincerely,



Daniel A. Hanley  
417 Seabreeze Avenue  
Palm Beach, FL 33480

## **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.