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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 Owner's goal is the 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 nor 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 1924 and 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 Owner, some of the first floor was wood framed; the second floor was constructed with some terra cotta and some block infill; the third floor was wood framed with some terra cotta and some 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 or the addition or the weight of new flooring materials that Owner seeks to install. There is also the threat of the veneer cracking due to ordinary exposure to the elements. It is with this backdrop that 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 Owner including Plans and Specifications for the Project clearly reflected that the materials proposed for use would have replicated the existing façade, including matching the original texture so that the reconstructed structure would have been effectively identical in appearance to the original structure. 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 meeting, much less consider the foregoing criteria in determining and making their decision by reviewing the Plans presented and applying the Code.

Had 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

[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.**

structurally sound.[4] Again, as noted above, the finish walls and details will replicate the existing and Landmark 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 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 maintain the historical sanctity of the Property.[7]

Despite Mr. Abbassi's professional opinion and recommendation for removing the structurally unsound portions of walls, LPC chose to focus on two facts that had no relevance to the matter at hand -- (a) the timing of the work and (2) decorations that were placed on the construction fence. Neither 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 Property. No LPC members cited any Code section in support of their denial of 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 Ms. Glazer, reminding the

[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, 2024is attached as **Exhibit #7.**

LPC that the voting should be limited to how Owner's request "relates to two walls and, and that's really what, what we should be talking about." Stated simply, the LPC ignored its responsibility to consider clearly stated criteria thereby failing to justifiably deny 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 it cited 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 satisfied 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 as there were significant structural issues with the integrity of the portions of the wall that were reconstructed with more structurally sound concrete block to be finished with the same details and aesthetics as the original. Simply stated, not allowing the reconstruction of these portions of the exterior to be finalized will result in a loss of beneficial use of the entire residence.

IV. Conclusion

The plan has always been to restore this Project all while maintaining the commitment to preserve this historic Landmark. Unfortunately, while the intent was to preserve as much of the original structure as possible, portions of walls were removed because of safety and structural integrity reasons. Owner is committed not only to bringing this beautiful 100-year-old home back to its glory, but has spared no expense and is committed to doing this the right way, so that historic property is structurally sound and safe for another 100 years to come. For these reasons, Owner respectfully requests for LPC's denial of the demolition and reconstruction of portions of the structure's exterior walls be deemed improper and be reversed. 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 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

[8] A copy of § 54-41 is attached as **Exhibit #8**.
[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

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(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

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 L PC 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 L PC Commissioners.

TOWN ATTORNEY: Mr Ives 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.

BRITTAIN DAMGARD: Same, but I did go by, to see that the walls were down and that the figures were off the walls, sort of 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: 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: First time ever.

JULIE HERZIG: I, I, 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: 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 Villa 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: The I'm gonna just give an overview and then, and then Tom from Potkin Park, the social engineer can speak a lot more.

SUE PATTERSON: I think less is more in this.

BILL: And so the areas that we were talking about are up here, this area and then the court in 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 the 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. the, 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 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 the hatching where the wall had issues and this is showing some of the existing conditions where there were problems with cracks. brick 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 the needs to be 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 the the whole wall area had structural issues and this is just some other shots showing the 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: Yes. Good morning, good morning, Tom Abassi with Botkin & Parssy Associates, structural engineer of the project.

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

TOM: 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 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 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 con constant thickness of the wall. We also discovered the same thing on the 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 a in addition to that, we had to introduce new openings and for 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 dust. 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: 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: I'm actually pretty much 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: 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, the 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: 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 I'm 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 gobsmacked? 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: 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: 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: 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 co a 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.

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 ac O A application. And as Commissioner Brooker said, if you're not even gonna make it by November, what's the Russian taking down these walls? None of this story makes any sense to be honest with you.

And II, 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 showing 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 II 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 coas 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 look what you did?!

SUE PATTERSON: in 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: 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 that the frustration because my clients have 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, you understand

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: 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 this 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. II, 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: 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 L PC 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 variance is 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 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 an 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 a 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 is 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: 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.

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

SUE PATTERSON: So, but she keeps adding changing 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: 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 moved 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.

3: Mr Ives?

ALEX IVES: wholeheartedly. Yes

TOWN ATTORNEY: Miss Herzig Desnick?

JULIE HERZIG: Yes. Yes.

TOWN ATTORNEY: Miss Damgard

BRITTAIN DAMGARD: I said 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

TOWN 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.

3: 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: II, I, I've been here for eight years. II, 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 if 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. II 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.

2749 Exchange Court · West Palm Beach · FL 33409 561.965.1957 Fax: 561.965.4308
http://www.botkinparssi.com

EXHIBIT 5

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 DUKE BENNETT			✓	

INFO: STEEL REINF @ FTG - WEST LOGGIA (EASTSIDE) PASS PENDING VERT DOWELS FOR RETAINING WALL AS PER PLAN

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
4.11.23	MODIFIED OPENING	S DUKE BENNETT	✓		✓	

INFO: STEEL REINF @ MID GATE MODIFIED ARCH OPENING (WESTSIDE of HOUSE)
WORK APPEARED ACCEPTABLE AS PER PLAN ✓OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
4.12.23	FTG / RETAINING WALL	S DUKE BENNETT	✓	✓	✓	

INFO: REINSP - STEEL REINF @ FTG + RETAINING WALL VERT DOWELS w/ 1 #5Ø HORIZONTAL - WEST LOGGIA (EASTSIDE)
WORK APPEARED ACCEPTABLE AS PER PLAN + ENGINEER DIRECTIVES ✓OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
4.20.23	SLAB	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ SLAB on GRADE - DRIVEWAY
WORK APPEARED ACCEPTABLE AS PER PLAN ✓OK
DENSITY REPORT on FILE + SOIL TERMITE PRETREATMENT CERTIFICATION on FILE

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5.4.23	COLUMNS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ NEW COLUMNS (GRADE LEVEL) - VAULTED LOGGIA
WORK APPEARED ACCEPTABLE AS PER PLAN ✓OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5.18.23	SLAB	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ SLAB on GRADE - VAULTED LOGGIA
(#4Ø EA WAY @ 12" OC EPOXIED SET INTO ADJACENT SLAB / BEAMS)
WORK APPEARED ACCEPTABLE AS PER PLAN ✓OK
DENSITY REPORT + SOIL TERMITE PRETREATMENT CERTIFICATION on FILE

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5-23-23	RETAINING WALL + PIER CAPS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ RETAINING WALL CAP - CYPRESS LOGGIA (EASTSIDE) + PIER CAPS - GARAGE (PASS PENDING ADJUSTMENTS)

ADDRESS | COMPONENT | PERMIT #

Tew Taylor, Inc. | INSPECTION LOG | Private Provider Services

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
11.7.23	Sidewall Repair	S Duke Bennett	✓	✓	✓	

INFO: Steel Relief (Adjustments) & South Side Retaining Wall Repair Columns + Intermediate Beam. As per plan ✓ok

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
12.8.23	Sidewall Repair / Fountain Wall	S Duke Bennett	✓	✓	✓	

INFO: Steel Relief & South Side Retaining Wall Repair (Upper Masonry Wall) + North Fountain CIP Conc Wall
Work appeared acceptable as per plan ✓ok

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
1.5.24	Project Status Update	S Duke Bennett			✓	

INFO: Reviewed + Discussed Work In Progress w/ Contractor (Sitework & 2nd Flr "Gallery" area Vaulted Log61A)

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
1.30.24	Masonry Planter Walls	S Duke Bennett	✓	✓	✓	

INFO: Steel Relief & North Fountain Masonry Planter Walls (1st Lift)
Pass pending adjustments

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
1.31.24	Masonry Planter Walls	S Duke Bennett	✓	✓	✓	

INFO: Steel Relief (Adjustments) & North Fountain Masonry Planter Walls (1st Lift). Work appeared acceptable as per plan ✓ok

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
2.8.24	In Progress	S Duke Bennett			✓	

INFO: Reviewed + Inspected Work In Progress
(New Ftg Pads - Vaulted Log61A)

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
2.14.24	Ftg Pads	S Duke Bennett	✓	✓	✓	

INFO: Steel Relief & New Ftg Pads (x2) - Vaulted Log61A
Work appeared acceptable as per plan ✓ok
Design/Record on File

ADDRESS **COMPONENT** **PERMIT #**

Tew Taylor, Inc. INSPECTION LOG Private Provider Services

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
2-21-24	MASONRY PLANTER WALLS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF & NORTH FOUNDATION MASONRY PLANTER WALLS (2ND LIFT)
WORK APPEARED ACCEPTABLE AS PER PLAN / OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
3-21-24	COLUMNS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF & NEW COLUMNS (X2) - VAULTED LOGGIA
(1ST 4' LIFT) AS PER PLAN 7/S-4 (PASS PENDING ADJUSTMENTS)

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
3-22-24	COLUMNS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF (ADJUSTMENTS) & NEW COLUMNS (X2) - VAULTED LOGGIA
(1ST 4' LIFT) WORK APPEARED ACCEPTABLE AS PER PLAN 7/SA / OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
3-28-24	SLAB REPAIRS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF & SLAB REPAIRS - VAULTED LOGGIA
WORK APPEARED ACCEPTABLE AS PER PLAN / OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
3-28-24	MASONRY SITE WALL	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF & REPAIRING SOUTH SIDE MASONRY WALL
WORK APPEARED ACCEPTABLE AS PER PLAN / OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
3-28-24	BEAM	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF & NEW CONCRETE BEAM ON TOP OF EXIST. MASONRY WALL - KITCHEN + PANTRY (WEST + NORTH ELEVATIONS)
WORK APPEARED ACCEPTABLE AS PER PLAN / OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
4-17-24	IN PROGRESS	S DUKE BENNETT			✓	

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	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
4-22-24	Masonry Walls (Columns + Beams	SDB SDee Bennett			✓	

INFO: (Phase 1) Steel Reinf & Masonry Walls (Columns + Beams - Kitchen + Pantry (West + North Elevations) Pass Pending Adjustments

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
4-23-24	Masonry Walls Columns + Beams	SDB SDee Bennett	✓	✓	✓	

INFO: Steel Reinf (Adjustments) & Masonry Walls Columns + Beams - Kitchen + Pantry (West + North Elevations - 2nd Lift) Work Appears Acceptable As Per Plans OK

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5-7-24	Stacking Ftg Pads	SDB SDee Bennett	✓	✓	✓	

INFO: Steel Reinf & Temp Stacking Ftg Pads (x6) - Drains RH North Wall As Per Plans SH-1 Density Report on File Pass Pending Signed + Sealed Plans + Submittal of 3/4ø Anchor Bolts (2) SH-1

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5-10-24	In Process	SDB SDee Bennett			✓	

INFO: Cursory Review Signed + Sealed Stacking Plans + Verified 3/4ø J-Bolt Anchors & Temp Stacking Ftg Pads - Drains RH North Wall

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5-22-24	Stacking Ftg Pad	SDB SDee Bennett	✓	✓	✓	

INFO: Steel Reinf & Temp Stacking Ftg Pad - Garage (North Wall) Density Report on File Work Appears Acceptable As per Plans SH-5 OK

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5-22-24	Columns	SDB SDee Bennett			✓	

INFO: (Phase - In Process) Columns & Valved Lobby + Gallery (South Elevation)

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
5-29-24	Columns	SDB SDee Bennett	✓	✓	✓	

INFO: Steel Reinf & Outer Columns (x2) 1st 4'0 Lift - Valved Lobby + Gallery (South Elevation) As Per Plans S-4 OK

ADDRESS | **COMPONENT** | **PERMIT #**

Tew Taylor, Inc. | INSPECTION LOG | Private Provider Services

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
6-13-24	STEEL PTG	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ TEMP STEEL PTG - GARAGE
DELIVERY REPORT ON FILE. WORK APPEARS ACCEPTABLE AS PER PLANS SHTS ✓OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
7-1-24	COLUMNS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ COLUMNS (X4) - VAULTED LOGGIA + GALLERY (SOUTH ELEVATION)
WORK APPEARS ACCEPTABLE AS PER PLANS ✓OK

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
7-19-24	COLUMNS + BEAMS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF @ COLUMNS + BEAM - VAULTED LOGGIA + GALLERY (SOUTH ELEVATION)
PASS HANGER HOOK DOWELS @ COLUMNS

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
7-22-24	COLUMNS + BEAMS	S DUKE BENNETT	✓	✓	✓	

INFO: STEEL REINF (HOOK DOWELS @ COLUMNS) - VAULTED LOGGIA + GALLERY (SOUTH ELEVATION) WORK APPEARED ACCEPTABLE AS PER PLANS ✓OK

DATE	INSPECTION	INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
7/29/24	FOOTER GARAGE	OWEN STUEBE	✓			

INFO:
FOOTER IN GARAGE IS SATISFACTORY TO PLAN.
READY FOR CONCRETE

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
8-23-24	COLUMN	S DUKE BENNETT			✓	

INFO: (PARTIAL) STEEL REINF @ COLUMN - GARAGE
(PASS PENDING (2) #5 DOWELS AS PER PLAN

*NOTE: REQUESTED PILE REPORT FROM INSPECTION PERFORMED ON 7-29-24

DATE	INSPECTION	SDB INSPECTOR	PASS	PARTIAL	COMMENT	FAIL
8-26-24	COLUMN	S DUKE BENNETT	✓	✓	✓	

INFO: REVISED - STEEL REINF @ COLUMN - GARAGE
WORK APPEARS ACCEPTABLE AS PER PLAN ✓OK
REVISED DETAIL 2/5-24 TO FOLLOW

EXHIBIT 6

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

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

REVISIONS:

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: 561.655.3533

FINAL PLAN SET
AUGUST 21, 2024 LPC

INDEX OF DRAWINGS

ARCHITECTURAL AND STRUCTURAL

SCOPE OF WORK

ADDITIONAL MATERIAL REMOVAL AT EXTERIOR WALLS OF THE LANDMARKED SINGLE FAMILY RESIDENCE AS BECOME NECESSARY DUE TO PREVIOUSLY UNSEEN STRUCTURAL DEFICIENCIES. THEY INCLUDE:

- REMOVAL OF HOLLOW CLAY TILE AT THE WESTERN PORTION OF THE NORTH WALL AND REPLACEMENT WITH CONCRETE BLOCK. A STUCCO FINISH TO MATCH EXISTING WILL BE APPLIED OVER THE BLOCK.
- REMOVAL OF HOLLOW CLAY TILE AT THE NORTHERN PORTION OF THE WEST WALL AND REPLACEMENT WITH CONCRETE BLOCK. A STUCCO FINISH TO MATCH EXISTING WILL BE APPLIED OVER THE BLOCK.
- REMOVAL OF STUCCO PILASTER PROFILES, SOLID BRICK COLUMNS AND HOLLOW CLAY TILE AT THE 1ST LEVEL (VAULTED LOGGIA) OF THE NORTH WALL OF THE COURTYARD AND REPLACEMENT WITH REINFORCED CONCRETE AND PILASTERS WITH STUCCO TO MATCH THE ORIGINAL STUCCO PROFILES.
- REMOVAL OF CAST STONE COLUMNS (RETAINED) AND HOLLOW CLAY TILE AT THE 2ND LEVEL (2ND FLOOR GALLERY) OF THE NORTH WALL OF THE COURTYARD AND REPLACEMENT WITH REINFORCED CONCRETE AND CAST STONE COLUMNS RECAST USING MOLDS OF ORIGINALS THAT WERE RETAINED.

ARCHITECT:

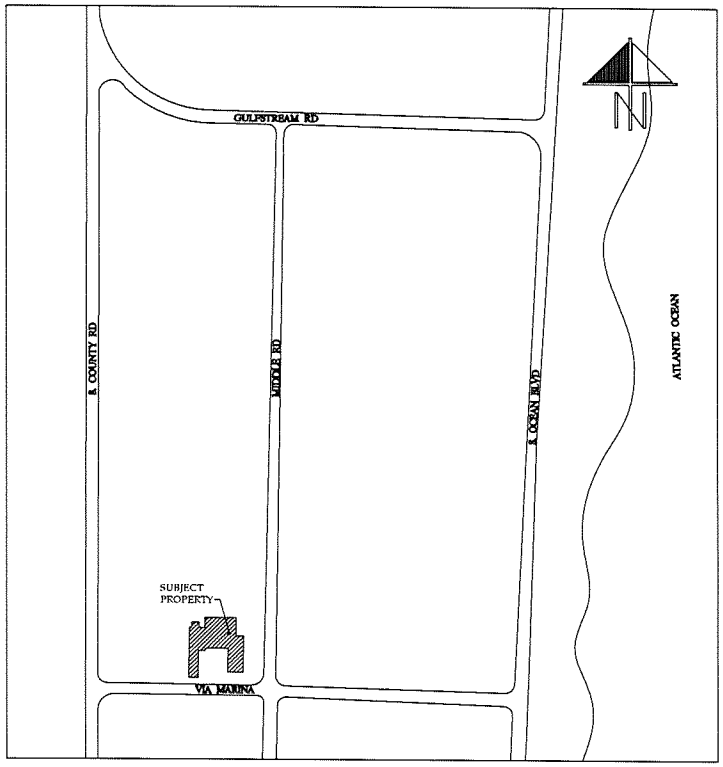
SKA Architect + Planner
Attn: Jacqueline Albarran
324 Royal Palm Way Suite 227
Palm Beach, Fl 33480
(561) 655–7676

STRUCTURAL ENGINEER:

Botkin Parasi & Associates, Inc.
Attn: Tom Abbasi
2749 Exchange Court
West Palm Beach, FL 33409
(561) 965–1957

GENERAL CONTRACTOR

TAB CONSTRUCTION COMPANY
Attn: Tim Bowser
2811 Village Boulevard, #304
West Palm Beach, FL 33409
(561) 389–0518



PLOT PLAN
SCALE: N.T.S.

LOT CALCULATIONS							
ZONING DISTRICT RB	REQUIRED		EXISTING		PROPOSED		
	SQUARE FOOTAGE	PERCENTAGE	SQUARE FOOTAGE	PERCENTAGE	SQUARE FOOTAGE	PERCENTAGE	REMARKS
LOT COVERAGE	4,648.5 MAX.	30.00% MAX.	5,187	33.5%	5,187	33.5%	
HARDSCAPE	———	———	5,482	35.4%	5,482	35.4%	
LANDSCAPE	6,973 MIN.	45.00% MIN.	4,816	31.1%	4,816	31.1%	
TOTAL LOT	15,495.00	100.0 %	15,495.00	100.0 %	15,495.00	100.0 %	
FRONT YARD LANDSCAPING	1,336 MIN.	40.00% MIN.	1,505	44.2%	1,505	44.2%	
10' PERIMETER LANDSCAPE	2,488 MIN.	50.00% MIN.	2,116	30.0%	2,116	30.0%	
CUBIC CONTENT	51,223.00 CU. FT.	MAX. CCR= 3.95	129,046.91	CCR= 8.32	129,046.91	CCR= 8.32	

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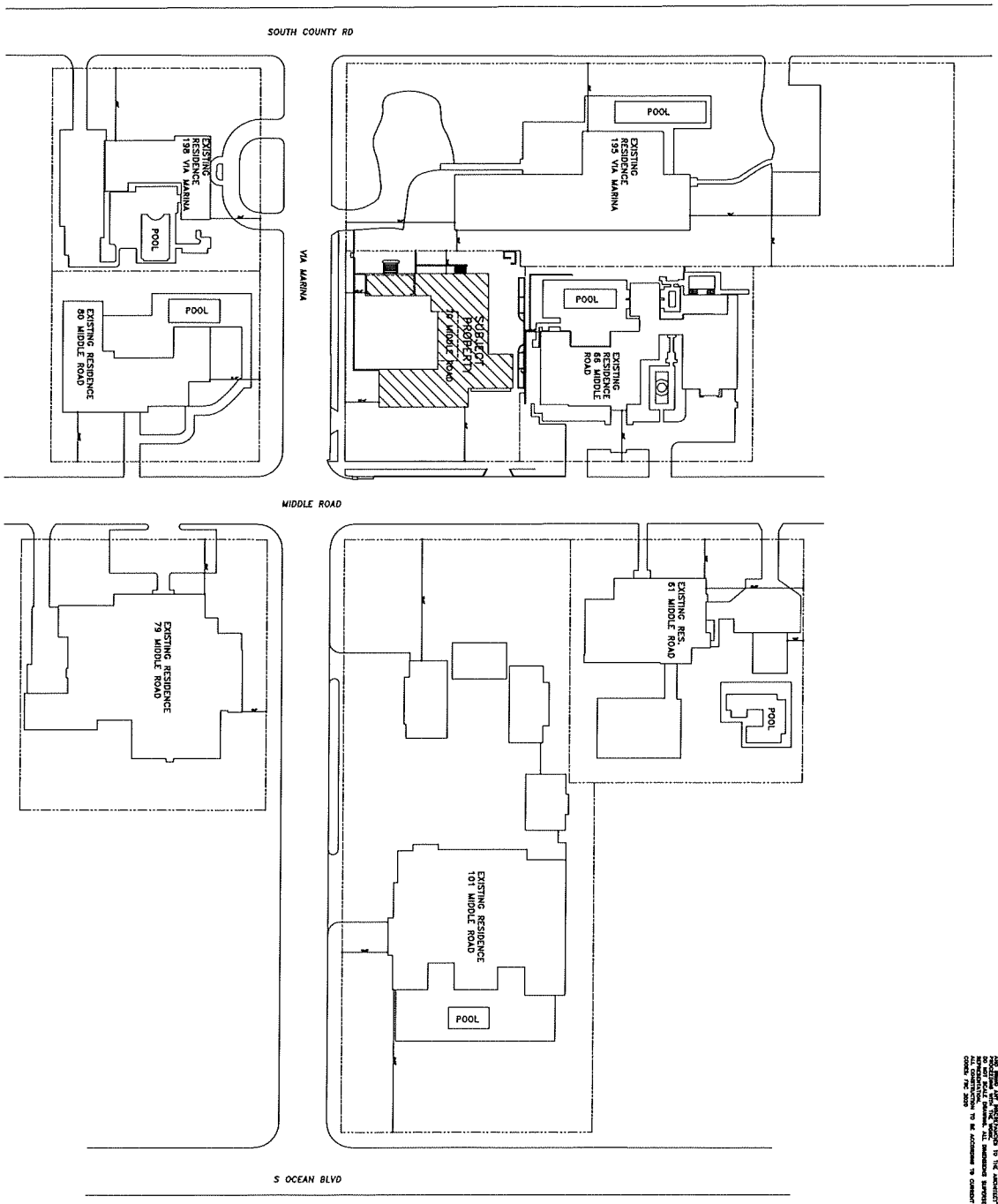
NAEGELE RESIDENCE

70 MIDDLE ROAD, PALM BEACH, FLORIDA

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

DATE:
07-09-24



EXISTING SITE PLAN WITH NEIGHBORING PROPERTIES

GENERAL NOTES

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

REVISIONS:

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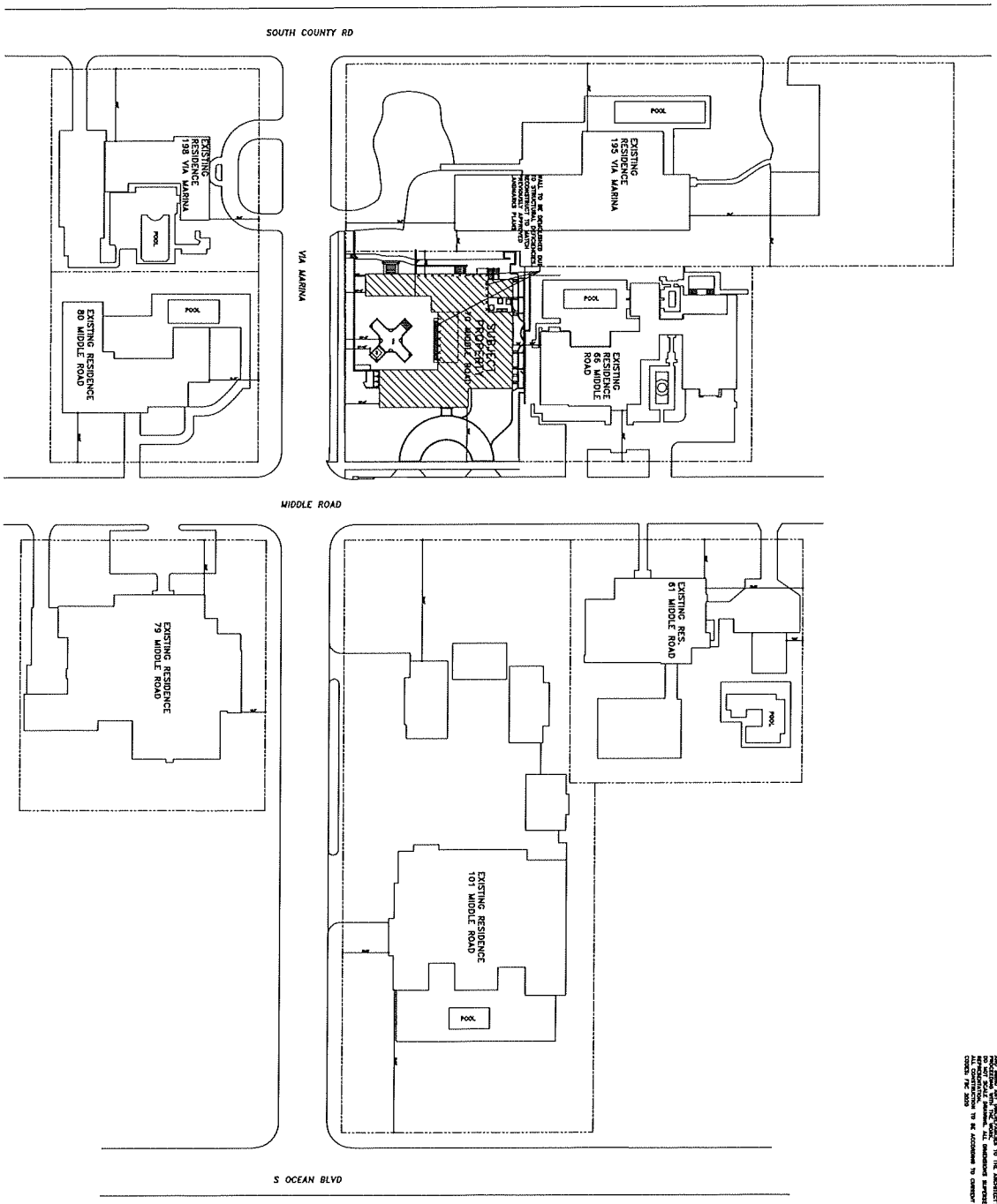

PROPOSED SITE PLAN WITH NEIGHBORING PROPERTIES

GENERAL NOTES

ALL CONSTRUCTION SHALL COMPLY WITH THE 2007 FLORIDA BUILDING CODE AND ALL OTHER APPLICABLE CODES AND ORDINANCES. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, MATERIALS AND SPECIFICATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK. ALL CONSTRUCTION SHALL BE PERFORMED IN A WORKMANLIKE MANNER. THESE DRAWINGS ARE DIAGRAMMATIC AND ARE INTENDED TO BE USED AS A GUIDE FOR CONSTRUCTION. THEY ARE NOT TO BE SCALED FOR EXACT REPRODUCTION. ALL DIMENSIONS SUPERSEDE ANY GRAPHIC REPRESENTATION. ALL CONSTRUCTION TO BE IN ACCORDANCE TO CURRENT LOCAL CODES. FBC 2020

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

REVISIONS:

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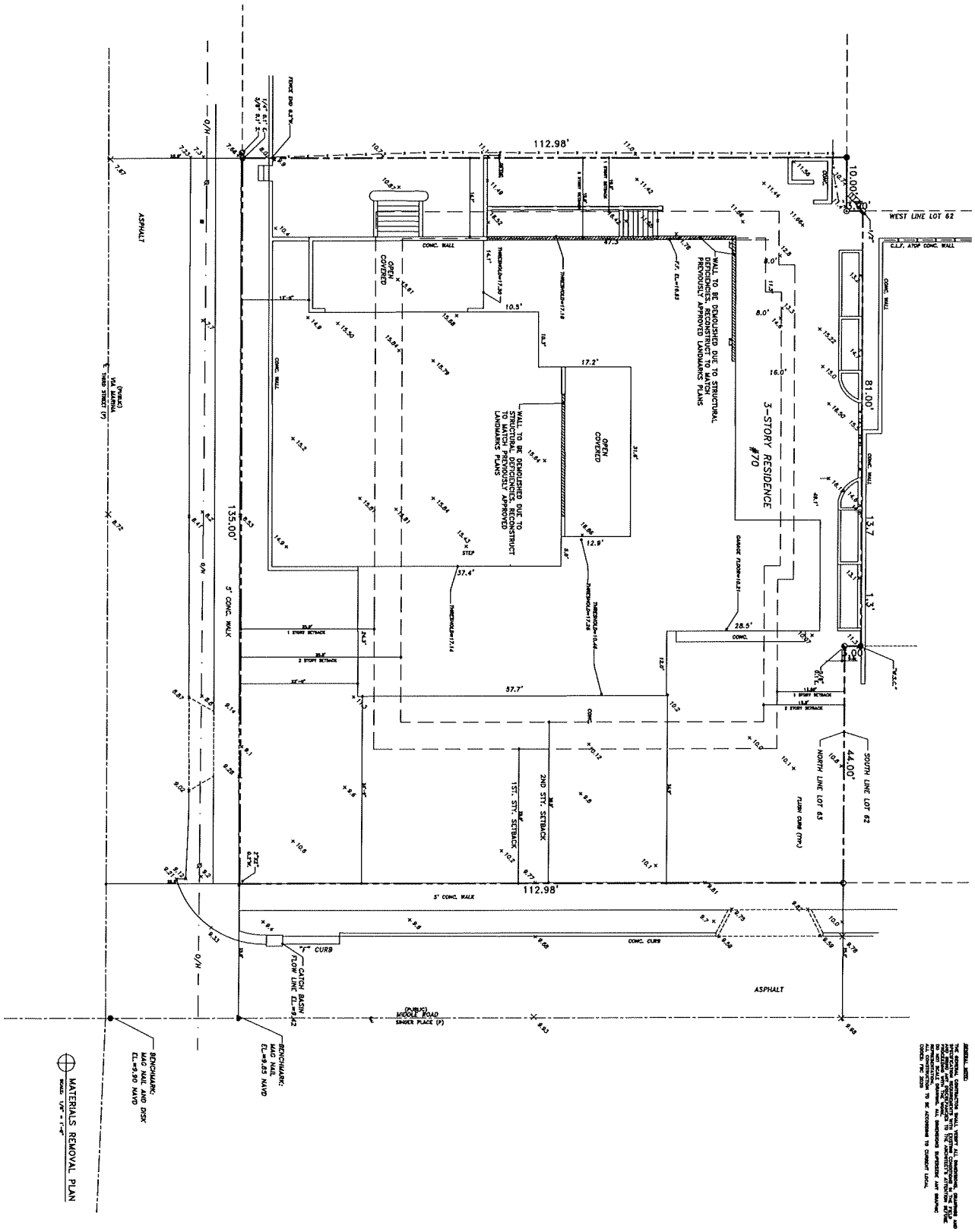

MATERIALS REMOVAL PLAN

GENERAL NOTES

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

REVISIONS:

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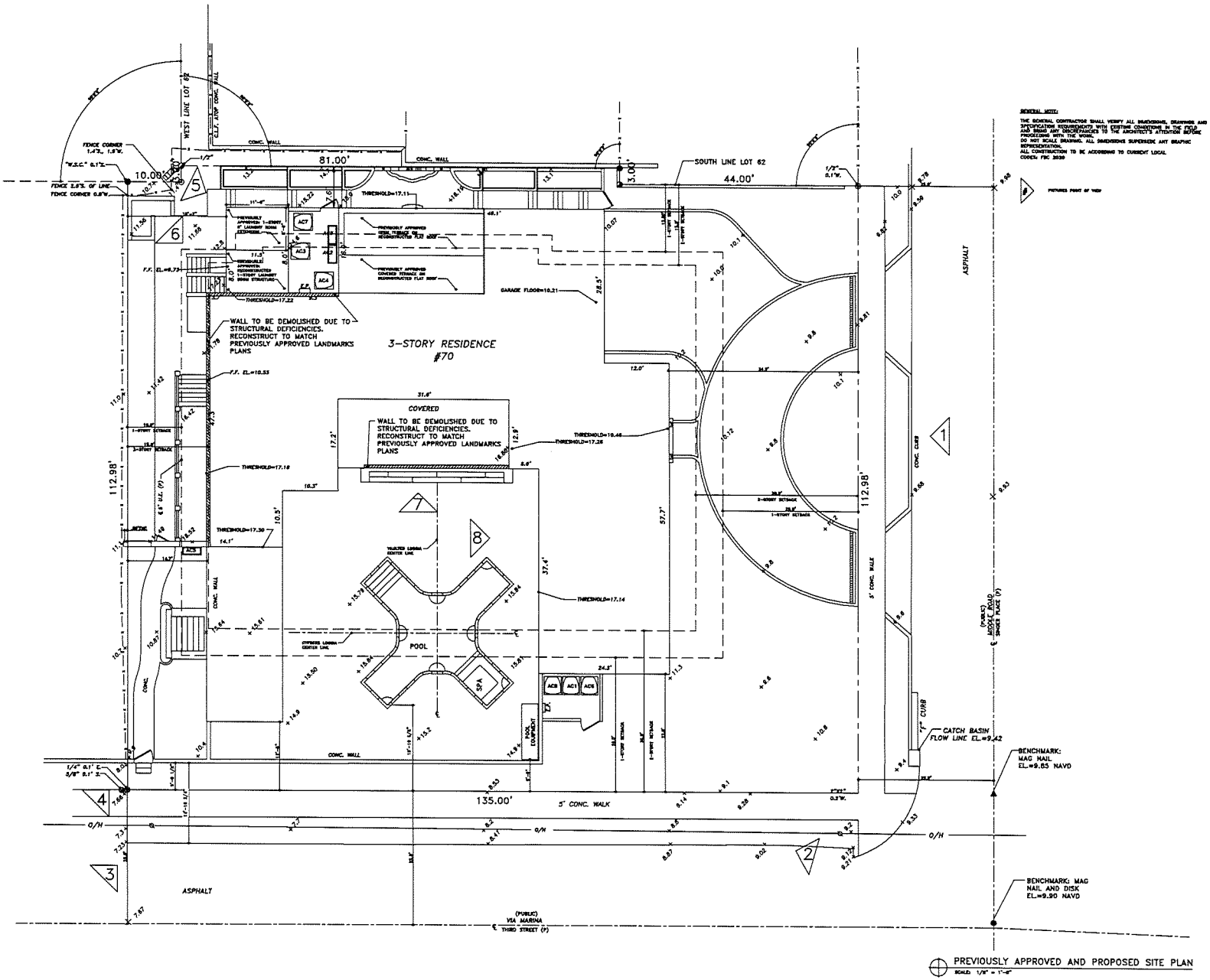

PREVIOUSLY APPROVED AND PROPOSED SITE PLAN

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

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314 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
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NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

REVISIONS:
1

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

1

SUBJECT PROPERTY: EAST ELEVATION (front)

2

SOUTH ELEVATION (side)

3

SOUTH ELEVATION (side)

4

SOUTH ELEVATION (side)

5

NORTHWEST CORNER VIEW (REAR)

6

WEST ELEVATION (REAR)

7

INTERIOR COURTYARD

8

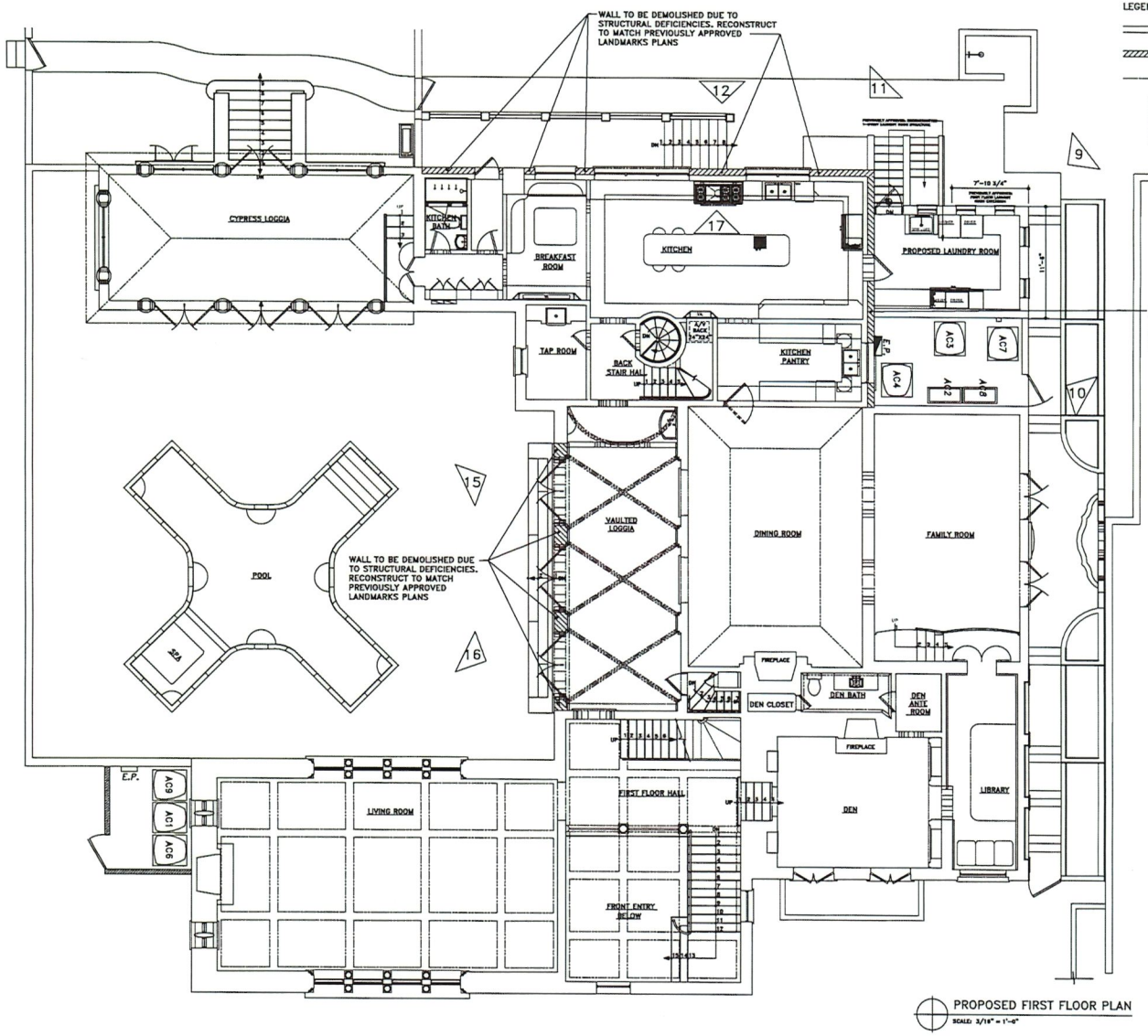
FINAL PLAN SET
AUGUST 21, 2024 LPC

GENERAL NOTE:

THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DRAWINGS AND SPECIFICATION REQUIREMENTS WITH EXISTING CONDITIONS IN THE FIELD AND BRING ANY DISCREPANCIES TO THE ARCHITECT'S ATTENTION BEFORE PROCEEDING WITH THE WORK.
DO NOT SCALE DRAWING. ALL DIMENSIONS SUPERSEDE ANY GRAPHIC REPRESENTATION.

LEGEND:

- EXISTING WALLS TO REMAIN
- WALLS TO BE REPAIRED
- ELEMENTS ABOVE
- # PICTURES POINT OF VIEW



PROPOSED FIRST FLOOR PLAN
SCALE: 3/16" = 1'-0"

SKA
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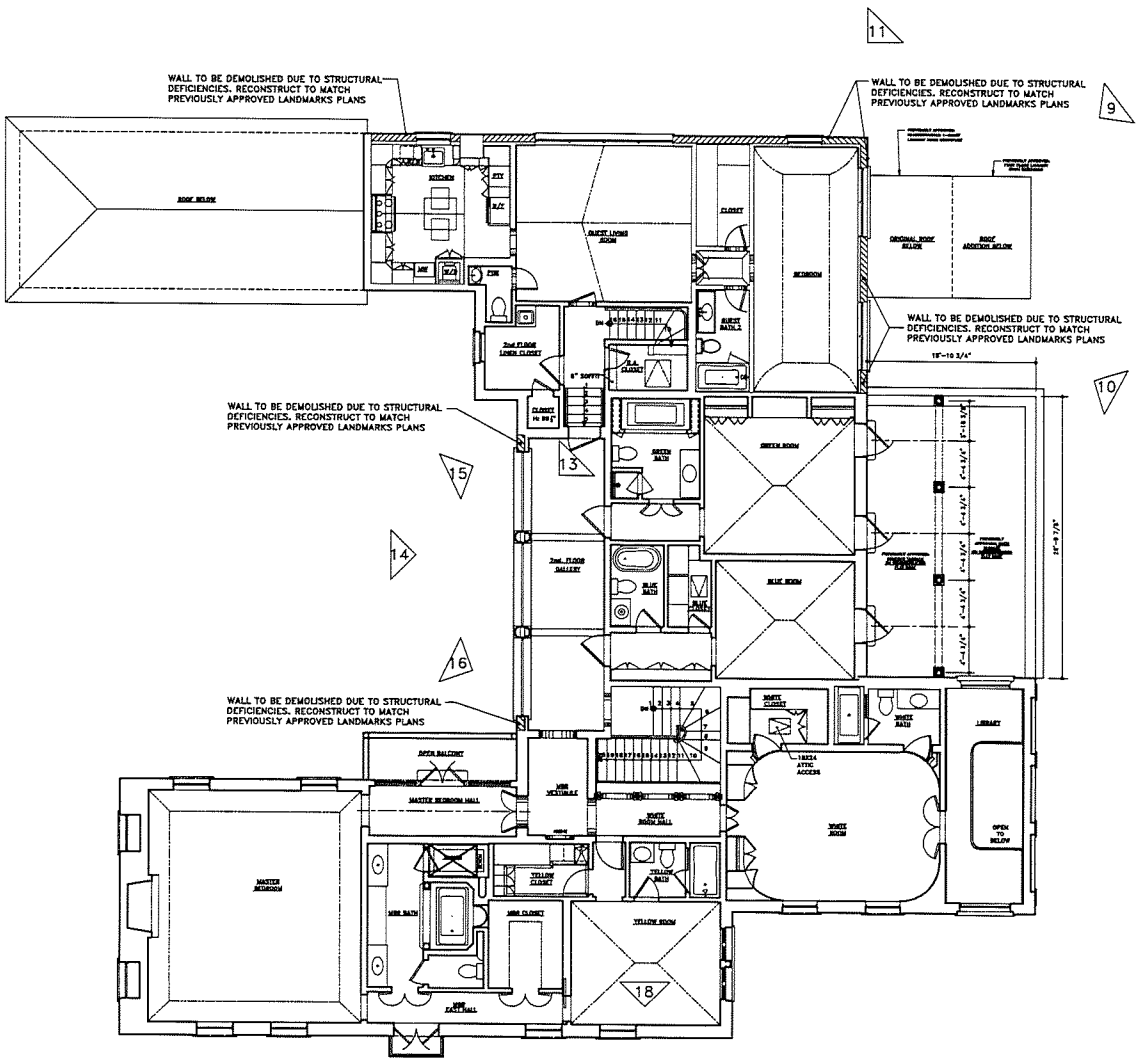
204 PHIPPS PLACE
PALM BEACH, FLORIDA
TEL: 561.655.7674
FAX: 561.655.3533

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

REVISIONS:
1

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



PROPOSED SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

GENERAL NOTE:

THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DRAWINGS AND SPECIFICATION REQUIREMENTS WITH EXISTING CONDITIONS IN THE FIELD AND BRING ANY DISCREPANCIES TO THE ARCHITECT'S ATTENTION BEFORE PROCEEDING WITH THE WORK.
DO NOT SCALE DRAWING. ALL DIMENSIONS SUPERSEDE ANY GRAPHIC REPRESENTATION.

LEGEND:

═	EXISTING WALLS TO REMAIN
▨	WALLS TO BE REPAIRED
—	ELEMENTS ABOVE
#	PICTURES POINT OF VIEW

SKA

SKA ARCHITECT + PLANNER
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FAX: 561.655.5533

NAEGELE RESIDENCE
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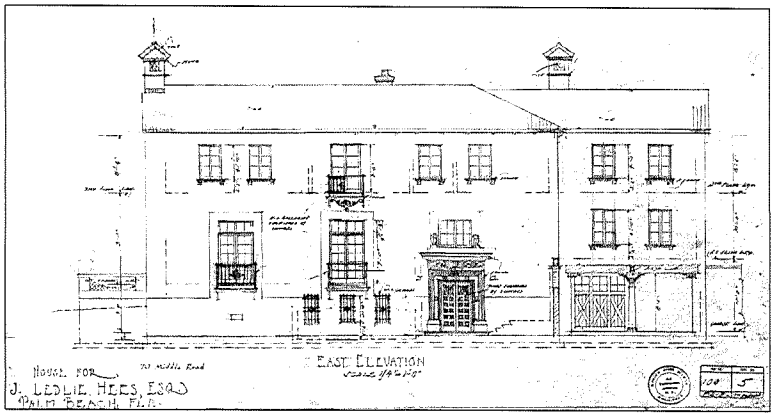
PALM BEACH, FLORIDA

REVISIONS:
△1

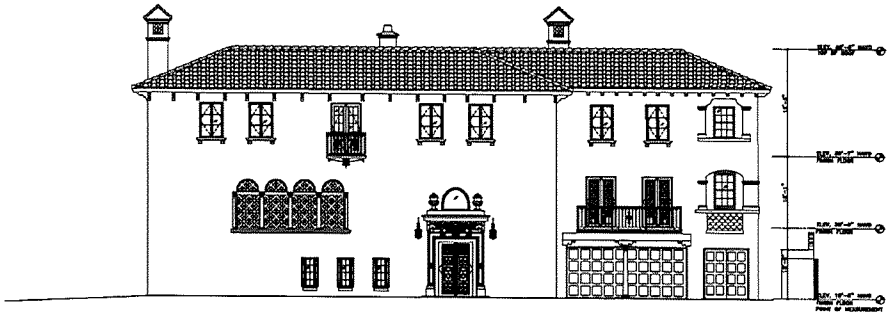
SHEET NUMBER:
A6
DATE: 07-09-24
JOB # 0445

GENERAL NOTES:

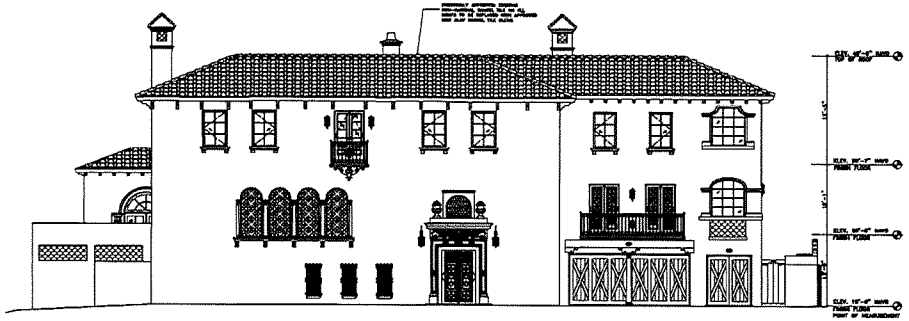
THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DRAWINGS AND SPECIFICATION REQUIREMENTS WITH EXISTING CONDITIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ARCHITECT'S ATTENTION BEFORE PROCEEDING WITH THE WORK.
DO NOT SCALE DRAWINGS. ALL DIMENSIONS SUPERSEDE ANY GRAPHIC REPRESENTATION.
ALL CONSTRUCTION TO BE ACCORDING TO CURRENT LOCAL CODES FBC 2020.



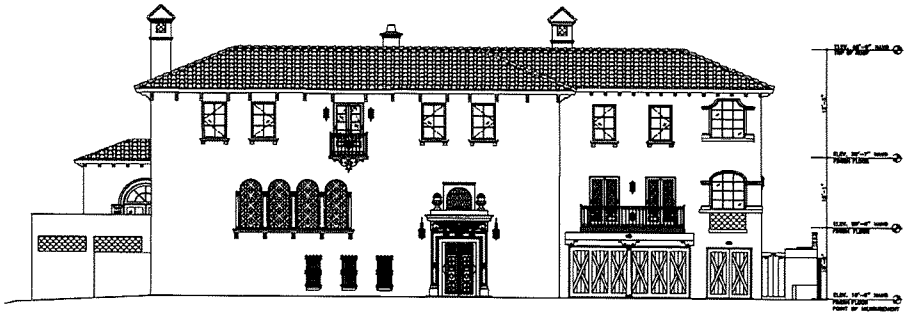
ORIGINAL EAST ELEVATION
SCALE: 1/8" = 1'-0"



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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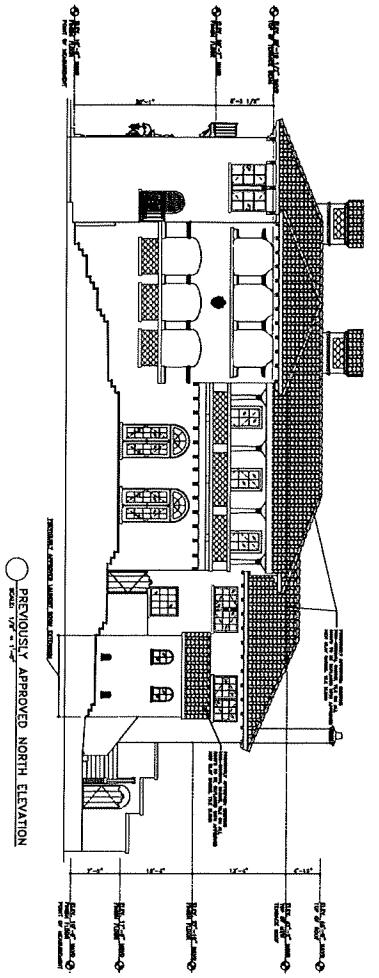
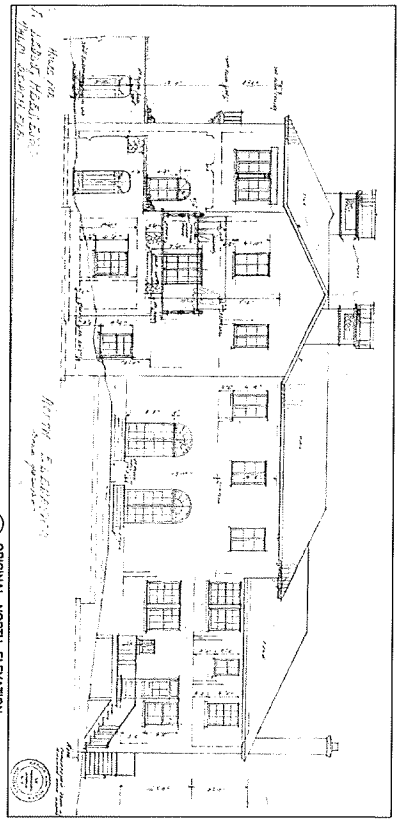
PALM BEACH, FLORIDA

REVISIONS:
1

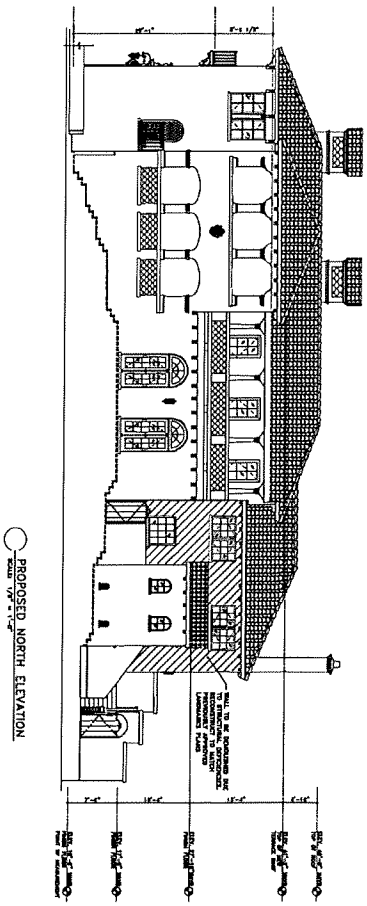
SHEET NUMBER: A7
DATE: 07-09-24
JOB # 0445



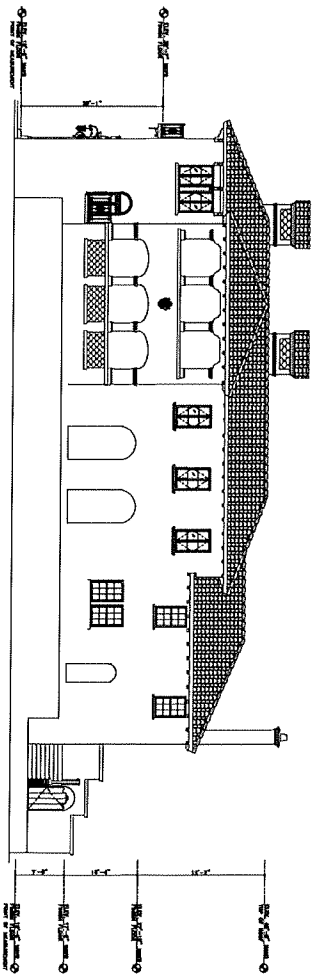
PREVIOUSLY APPROVED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



ORIGINAL NORTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

SHEET NUMBER:	A8
DATE:	07-03-24
JOB #	0445

REVISIONS:

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

SKA
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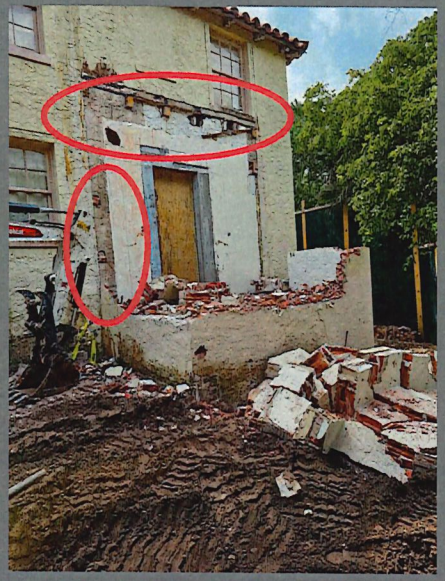
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7676 FAX: 561.655.3533

NORTH WALL

9

10

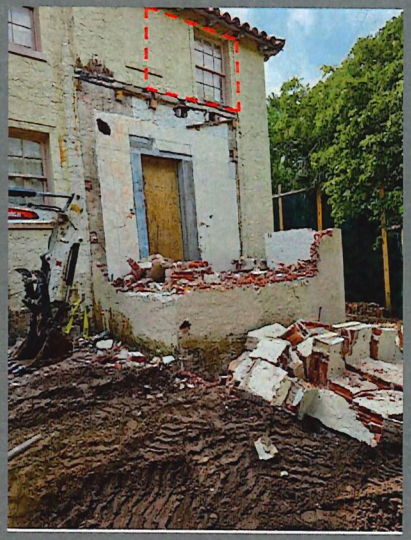


10

MANY HOLES AND CRACKS IN THE WALL WITH BRICK INFILL

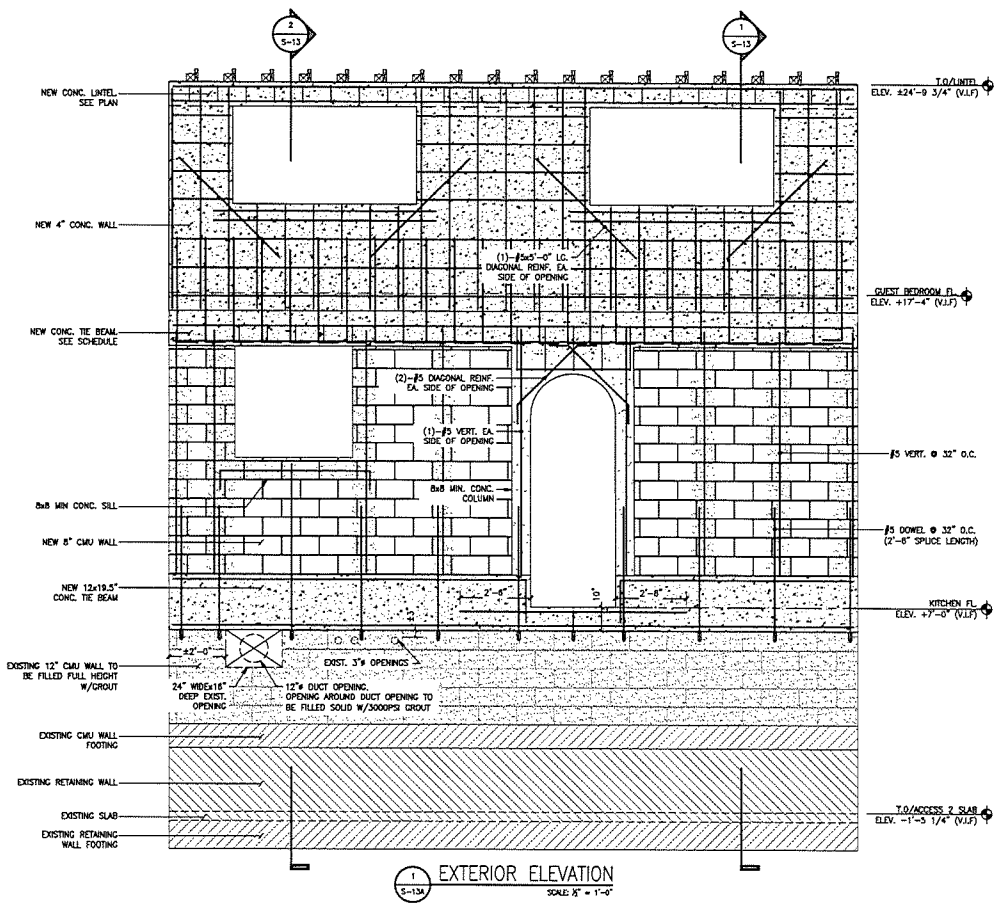
9

10



APPROVED NEW WINDOW SIZES

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



STRUCTURAL GENERAL NOTES

CONCRETE NOTES:

Shall conform to the building code required for structural concrete 318-19

1. Concrete slump shall be as follows: Slump in inches

	Minimum	Maximum
Massive sections, pavements, and slabs	1-½"	4
Heavy slabs, beams, walls	3"	5
Thin walls, columns,	3-½"	6

2. Minimum concrete cover shall be:
   Slab – ¾"
   Beams and columns – 1-½"
   Tie columns – 1-½"
   Exposed unprotected concrete – 1-½"
   Formed concrete below grade – 2"
   Unformed concrete below grade – 3"
3. REBAR SPLICING:
   The following requirements apply to uncoated number 6 bars or smaller, having a minimum of 1.0db concrete cover and 2.0db C/C spacing (Case I). Minimum concrete strength, 4000 PSI. All rebars shall have a minimum of 50db splice length.

   EXCEPTION: Top Bars in continuous beams and slabs shall have a minimum 84db splice length. Such members shall be marked as "CON" in the structural plans.

   Reinforcing in concrete walls shall be continuous-lap bars 50 diameters. Horizontal bar laps shall be staggered.

CONCRETE MASONRY NOTES

1. Beams and lintels, unless otherwise shown, shall have 8" min. bearing at each end.
2. Reinforced concrete masonry construction shall conform to the Building Code Requirements for Concrete Masonry Structures" (ACI 530-13)
3. Vertical cells to be grouted shall have vertical alignment sufficient to maintain a clear, unobstructed continuous cell.
4. Cleanout openings shall be provided at the bottom of grouted cells at each lift. Cleanouts shall be sealed after cleaning and inspection, and before grouting.
5. Reinforcing steel shall be lapped 48 bar diameter minimum where spliced and shall be either separated by one bar diameter or wired together.
6. Masonry walls shall cure at least twenty-four (24) hours before grouting.
7. When grouting is stopped for one (1) hour or longer, the grout shall be stopped 1-½" below the top of the uppermost unit.
8. Grout shall be placed in lifts not to exceed 5'-0" maximum and pour not to exceed 12'-0" maximum.
9. Vertical wall reinforcing shall be doweled to footing below and to beam above.
10. Provide two (2) 9 Ga. reinforcing wires every second course in exterior walls.
11. Masonry shall be anchored to supporting beams and columns unless otherwise noted. Masonry units laid to concrete shall be supported by dovetail anchors spaced at 16" or with an equivalent system.
12. Masonry walls shall be braced to resist lateral loads until adequate bracing is provided by the other components of the structure.
13. Grouted cells with a #5 reinforcing bar shall be placed at all door and window jambs and as otherwise indicated.
14. Fill masonry cells at door and window jambs solid with mortar or grout.
15. Grouted 8"x 8" min. masonry sills for window openings shall be reinforced with min. of 1-#5 extended 6" beyond opening width (U.O.N.)
16. Masonry grout shall be mixed with sufficient water to give a fluid consistency without segregation of materials per ASTM C476-19.

MISCELLANEOUS

1. General Contractor shall verify size and location of duct openings, grilles, louvers, etc., with the mechanical contractor before proceeding with the work.
2. All wood in contact with masonry, concrete, or steel shall be pressure treated.
3. Contractor shall verify all dimensions with the architectural drawings prior to construction and fabrication. Discrepancies shall be brought to the attention of the architect and engineer before construction.
4. All work shall be done in accordance with all pertinent local, state, and federal building regulations.
5. Provisions of the AIA General Conditions of the Contract for Construction shall apply unless otherwise indicated in the Construction Documents.
6. Botkin Parssi & Associates (BPA) has prepared only the structural engineering plans and specifications for this project. BPA assumes no responsibility for water proofing of this building in any shape or form. water proofing shall be by others.
7. BPA is not responsible for corrosion of any component of this building. It shall be the owners responsibility to hire a corrosion specialist to prepare specifications for corrosion prevention.
8. Botkin Parssi & Associates, Inc. scope of services shall strictly be limited to structural design or inspection only. All non-structural items including but not limited to waterproofing/caulking and corrosion shall be the responsibility of others

RENOVATION, REMODEL OR REPAIR WORK

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

SHOP DRAWINGS

The engineer's review is only for conformance with the design concept of the project and compliance with the information given in the Contract Documents. The contractor is responsible for dimensions to be confirmed and correlated at the site; for information that pertains solely to the fabrication, processes, or to the means, methods, techniques, sequences and procedures of construction; and for coordination of the work of all trades. The engineer's approval of a specific item shall not include approval of an assembly of which the item is a component.

DESIGN DATA

1. Normal weight concrete (145 PCF) 28-day compressive strength:
2. Foundations 4000 PSI (W/C Ratio 0.45)
3. Columns, beams, and slabs 5000 PSI (W/C Ratio 0.40)
4. Concrete masonry 28-day compressive prism strength (net area) 1500 PSI. Masonry units shall conform to ASTM C90-14
5. Mortar type M or S ASTM C270-14A
6. Masonry grout with 2500 PSI min. strength shall conform to ASTM C476-19.
7. Concrete reinforcing steel — A615 grade 60.
8. Structural Lumber-Southern Pine #2 grade or better.
9. Laminated wood (LVL) shall be by Truss Joist Manufacturer with the following allowable unit design stresses:
   Fb = 2,600 PSI
   Fv = 285 PSI
   Ft = 1,895 PSI
   Fc⊥ = 2,310 PSI
   Fc = 750 PSI
   E = 2.0×10^6 PSI
10. Design live loads:
    Roof: Chapter 1607.1 Standard Building FBC 2023 8th. Edition.
11. Design Wind Loads: 170 MPH (3 sec. gust) in accordance with FBC 2023.
12. Soil bearing pressures:
    Foundations are designed on the assumption of a minimum soil bearing value of 2500 PSF. It shall be the owner's responsibility to assure that the actual soil bearing value equals or exceeds this minimum and, if it is less, to make such provision as the actual conditions may require.

WIND LOAD	
BASIC WIND SPEED	170 MPH (3 SEC. GUST)
WIND IMPORTANCE FACTOR	1.00
WIND EXPOSURE CATEGORY	B
INTERNAL PRESSURE COEFFICIENT	+/- 0.18
EDGE DISTANCE	FT
BUILDING ENVELOPE CATEGORY	ENCLOSED
10 SQ. FT. E.W.A. COMPONENT AND CLADDING ASD PRESSURES:	
CABLE ROOF SLOPE	7< θ< 27 2/12 – 6/12
MEAN ROOF HEIGHT	30 FT.
WALL EDGE	+/- 70.81 PSF
WALL INTERIOR	+/- 57.37 PSF
ROOF CORNER	+/- 120.11 PSF
ROOF EDGE	+/- 75.29 PSF
ROOF INTERIOR	+/- 73.29 PSF

ABBREVIATIONS					
BOTT.	BOTTOM	ELEV.	ELEVATION	OPNG.	OPENING
COL.	COLUMN	EMBED.	EMBEDMENT	REINF.	REINFORCEMENT
CAP.	CAPACITY	EXIST.	EXISTING	T.O	TOP OF
C.L.	CENTER LINE	FTG.	FOOTING	TYP.	TYPICAL
CMU	CONC. MASONRY UNIT	G.C.	GENERAL CONTRACTOR	VERT.	VERTICAL
COL.	COLUMN	HORIZ.	HORIZONTAL	V.I.F	VERIFY IN FIELD
CONC.	CONCRETE	MIN.	MINIMUM		
EA.	EACH	O.C.	ON CENTER		

REV'D	DESCRIPTION	DATE	DRWN	CK
1	ISSUED FOR CONSTRUCTION	4-25-2024	JS	JS

SHEET TITLE: NORTH WALL WINDOWS RETROFIT ELEVATION AND STRUCTURAL NOTES

BOTKIN PARSSI & ASSOCIATES, INC.
CONSULTING ENGINEERS
2749 Exchange Court
West Palm Beach, Florida
33409-4038
Phone: (561) 683-1197
Fax: (561) 683-1198
E-Mail: OFFICE@BPAPBC.COM
CA # : 00001133

70 MIDDLE ROAD
PALM BEACH, FL 33480

SEAL

DATE: 4-25-2024

SCALE	AS-NOTED
JOB	23-054

S-13A

23-054 70 Middle Road.dwg S-13A 4/25/24

GENERAL NOTE:
THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, BEARINGS AND CONDITIONS AT THE JOB SITE AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS. ALL DIMENSIONS SUPERSEDE ANY SCALING. ALL CONSTRUCTION TO BE ACCORDING TO CURRENT LOCAL CODES, FBC 2020.

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

REVISIONS:
A

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7676 FAX: 561.655.5533

WEST WALL

11

APPROVED NEW WINDOW SIZES

COLUMNS REMOVED FOR NEW WINDOW OPENINGS

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

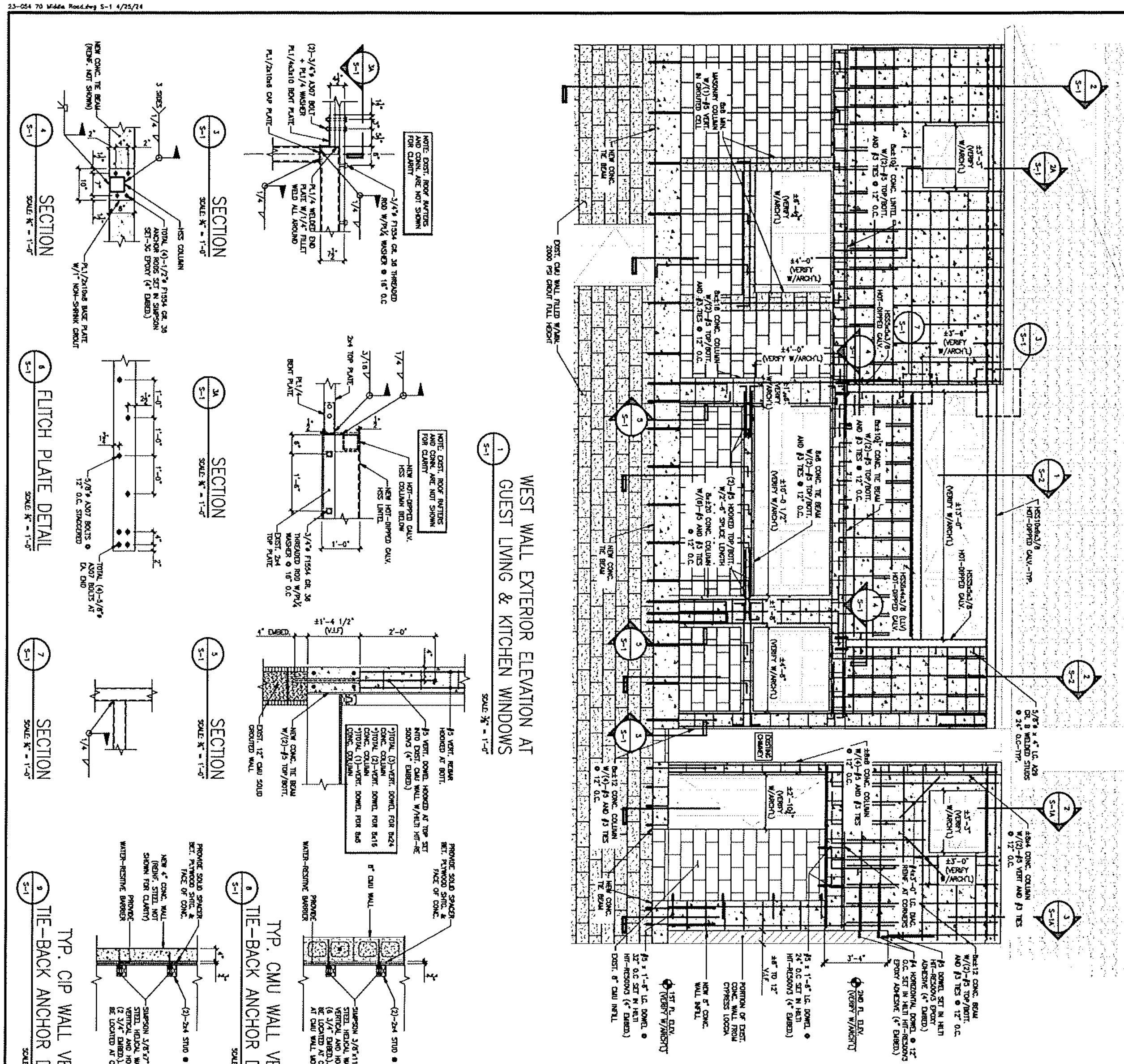
11

12

12

DIAGONAL WALL CRACKS BETWEEN WINDOW OPENINGS

23-054 70 Middle Road.dwg S-1 4/25/24



SEAL		
DATE	4-25-2024	
SCALE	AS-NOTED	
JOB	23-054	
S-1		

70 MIDDLE ROAD
PALM BEACH, FL 33480

BOTKIN PARSSI & ASSOCIATES, INC.
CONSULTING ENGINEERS
2749 Exchange Court
West Palm Beach, Florida 33409-4038
Phone: (561) 665-1957
Fax: (561) 665-4308
CA # : 00002133

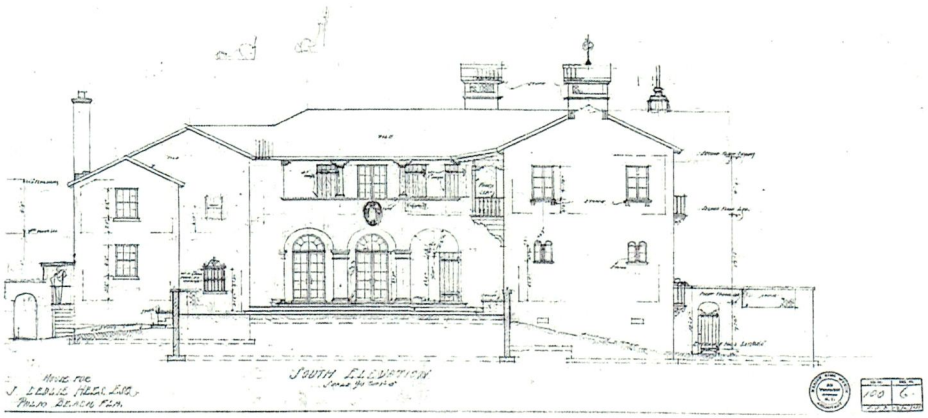
SHEET TITLE
WEST WALL WINDOWS AND DOORS RETROFIT SECTIONS AND DETAILS

REV	DESCRIPTION	DATE	DRWN	CK
1	ISSUED FOR CONSTRUCTION	4-25-2024		

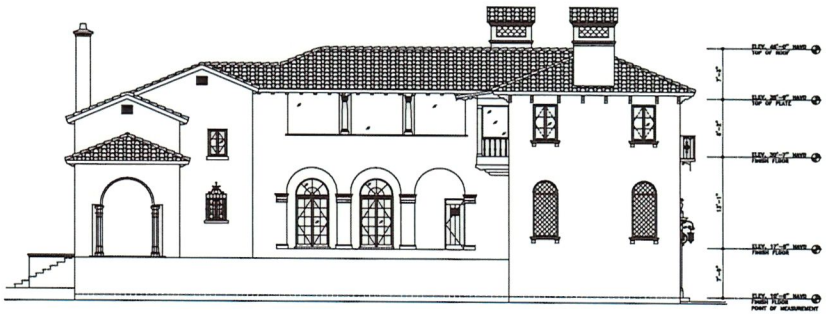
FINAL PLAN SET
AUGUST 21, 2024 LPC

GENERAL NOTE:

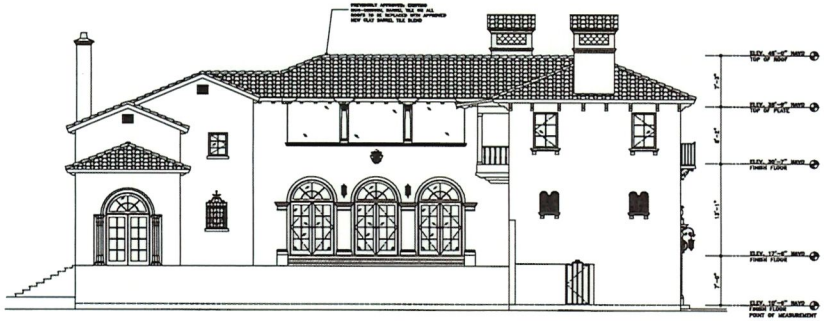
THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DRAWINGS AND SPECIFICATION REQUIREMENTS WITH EXISTING CONDITIONS IN THE FIELD AND BRING ANY DISCREPANCIES TO THE ARCHITECT'S ATTENTION BEFORE PROCEEDING WITH THE WORK.
DO NOT SCALE DRAWING. ALL DIMENSIONS SUPERSEDE ANY GRAPHIC REPRESENTATION.
ALL CONSTRUCTION TO BE ACCORDING TO CURRENT LOCAL CODES: FBC 2020.



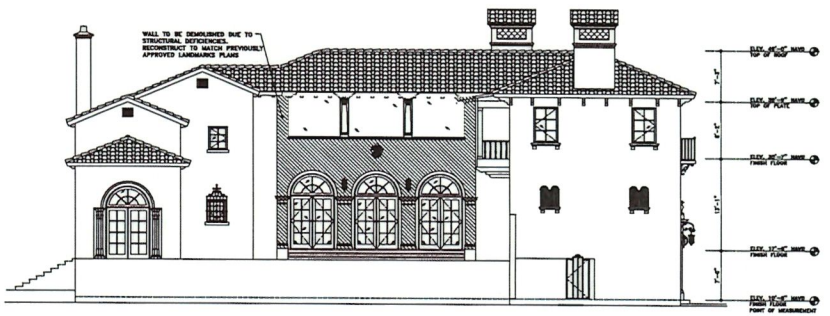
ORIGINAL SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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



PREVIOUSLY APPROVED SOUTH ELEVATION



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

SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.7676 FAX: 561.655.3533

NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

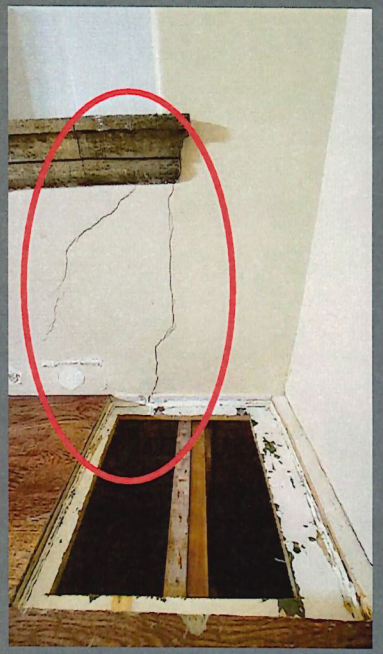
REVISIONS:
1

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

VAULTED LOGGIA / GALLERY

13

13



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

14

14

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

15

16

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

NOTES

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

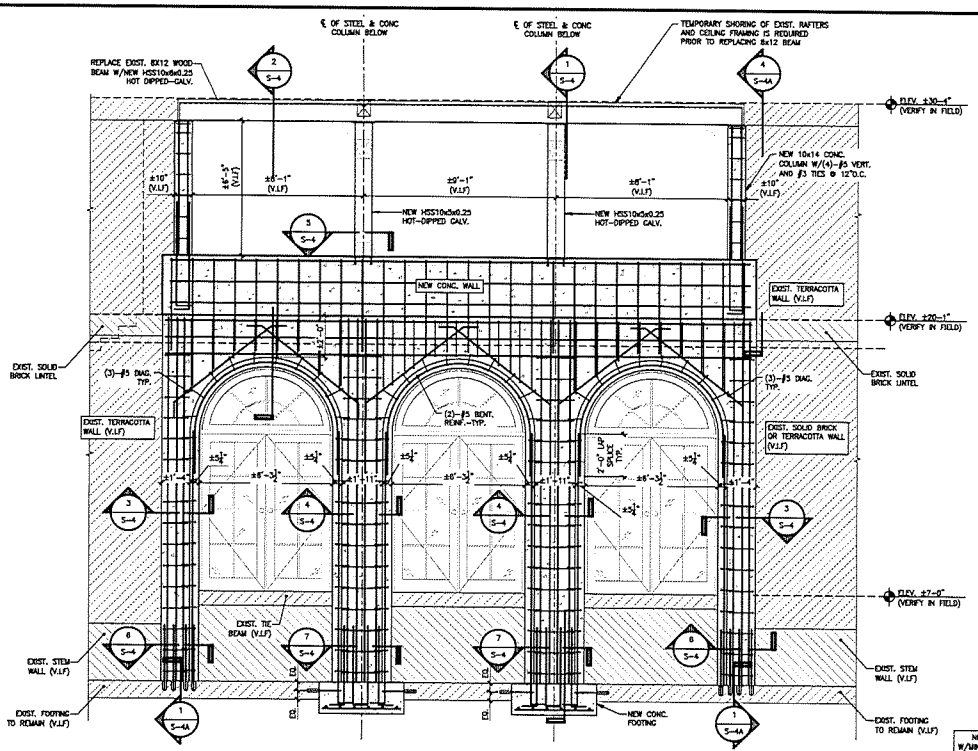
THE TERRACOTTA WAS NOT ALIGNED VERTICALLY, SOME WERE INSTALLED HORIZONTALLY AND OTHERS VERTICALLY, MAKING IT IMPOSSIBLE TO REINFORCE AND TO GROUT.

17

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

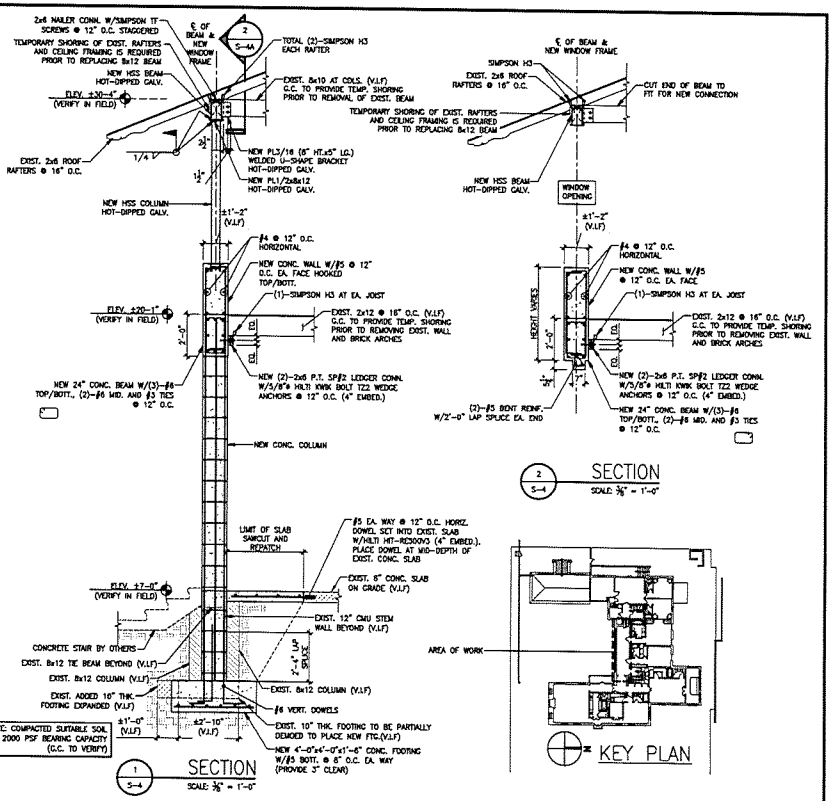
18

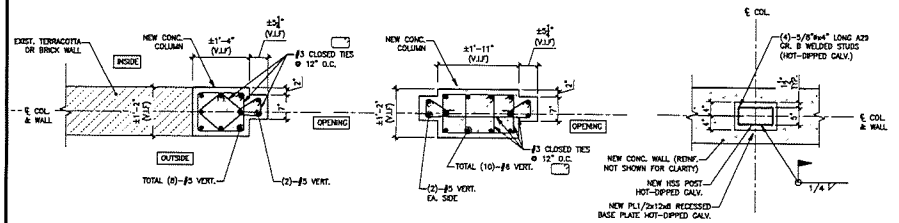
EXTERIOR WALL WITH TERRACOTTA VENEER AND STUD WALL BACKUP. THE TERRACOTTA WALL IS A HOLLOW CLAY TILES AND UNREINFORCED WITH ROUGH MORTAR BEDS BETWEEN JOINTS. DAMAGED AND BROKEN TILE PIECES ARE FOUND AT VARIOUS LOCATIONS.



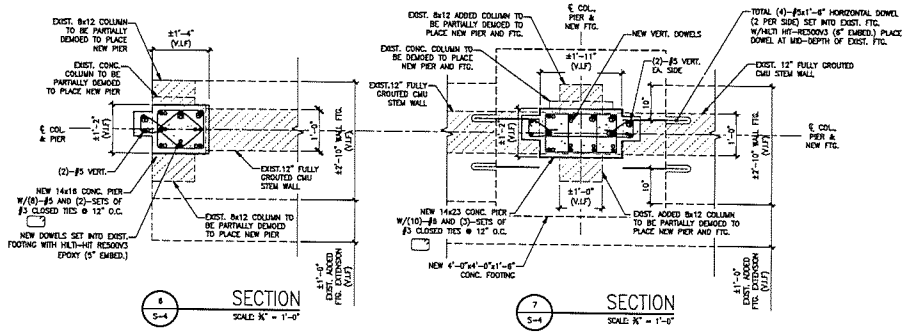
SOUTH WALL EXTERIOR ELEVATION AT VAULTED LOGGIA & GALLERY

SCALE: 3/8" = 1'-0"





SECTION SCALE: 3/4" = 1'-0" | SECTION SCALE: 3/4" = 1'-0" | SECTION SCALE: 3/4" = 1'-0"



NO.	DESCRIPTION	DATE	DRWN	CK
1	ISSUED FOR CONSTRUCTION	4-25-2024	TS	K

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

BOTKIN PARSSI & ASSOCIATES, INC.
CONSULTING ENGINEERS
2749 Exchange Court
West Palm Beach, Florida 33409-4038
Phone: (561) 683-1997
Fax: (561) 683-1998
e-Mail: botkinparssi@bellsouth.net
CA # : 0000031133

70 MIDDLE ROAD
PALM BEACH, FL 33480

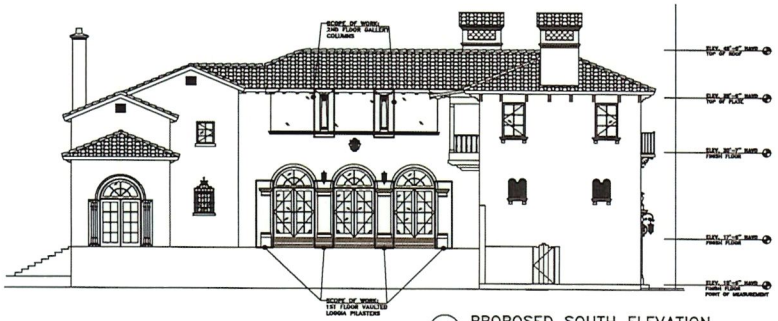
SEAL

DATE: 4-25-2024

SCALE	AS-NOTED
JOB	23-054

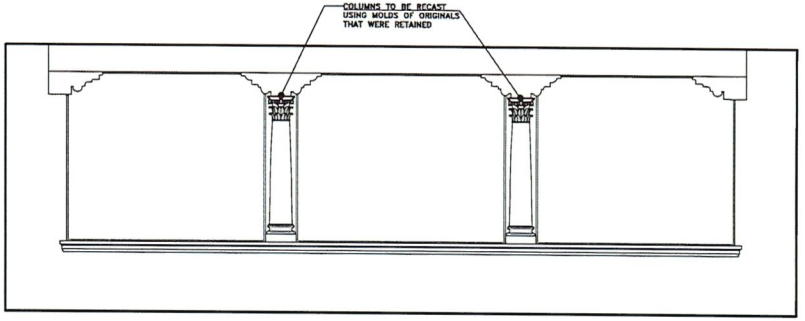
S-4

23-054 70 Middle Road.dwg 5-4 1/30/24

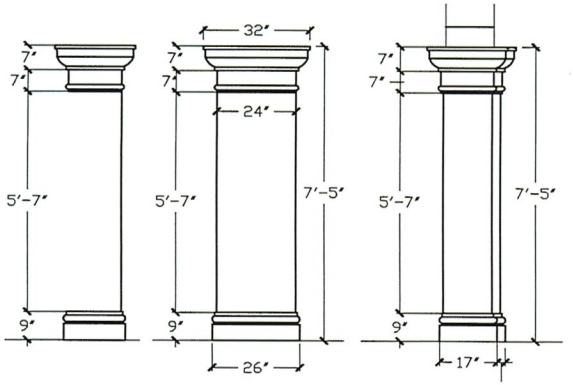


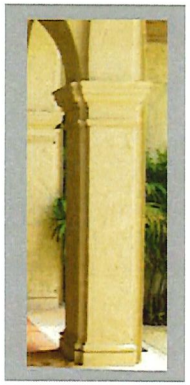
PROPOSED SOUTH ELEVATION
SCALE: 1/8"=1'-0"

1ST FLOOR LOGGIA ELEVATION
SCALE: 1/2"=1'-0"



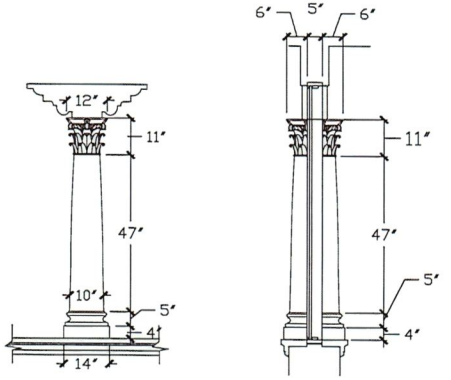
2ND FLOOR GALLERY ELEVATION
SCALE: 1/2"=1'-0"





ORIGINAL PILASTER DESIGN

1ST FLOOR VAULTED LOGGIA PILASTERS ELEVATION AND SECTION
SCALE: 3/4"=1'-0"



RETAINED ORIGINAL COLUMN

2ND FLOOR GALLERY COLUMNS ELEVATION AND SECTION
SCALE: 3/4"=1'-0"

GENERAL NOTE:

THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS, DRAWINGS AND SPECIFICATION REQUIREMENTS WITH EXISTING CONDITIONS IN THE FIELD AND BRING ANY DISCREPANCIES TO THE ARCHITECT'S ATTENTION BEFORE PROCEEDING WITH THE WORK.
DO NOT SCALE DRAWING. ALL DIMENSIONS SUPERSEDE ANY GRAPHIC REPRESENTATION.
ALL CONSTRUCTION TO BE ACCORDING TO CURRENT LOCAL CODES: FBC 2020.

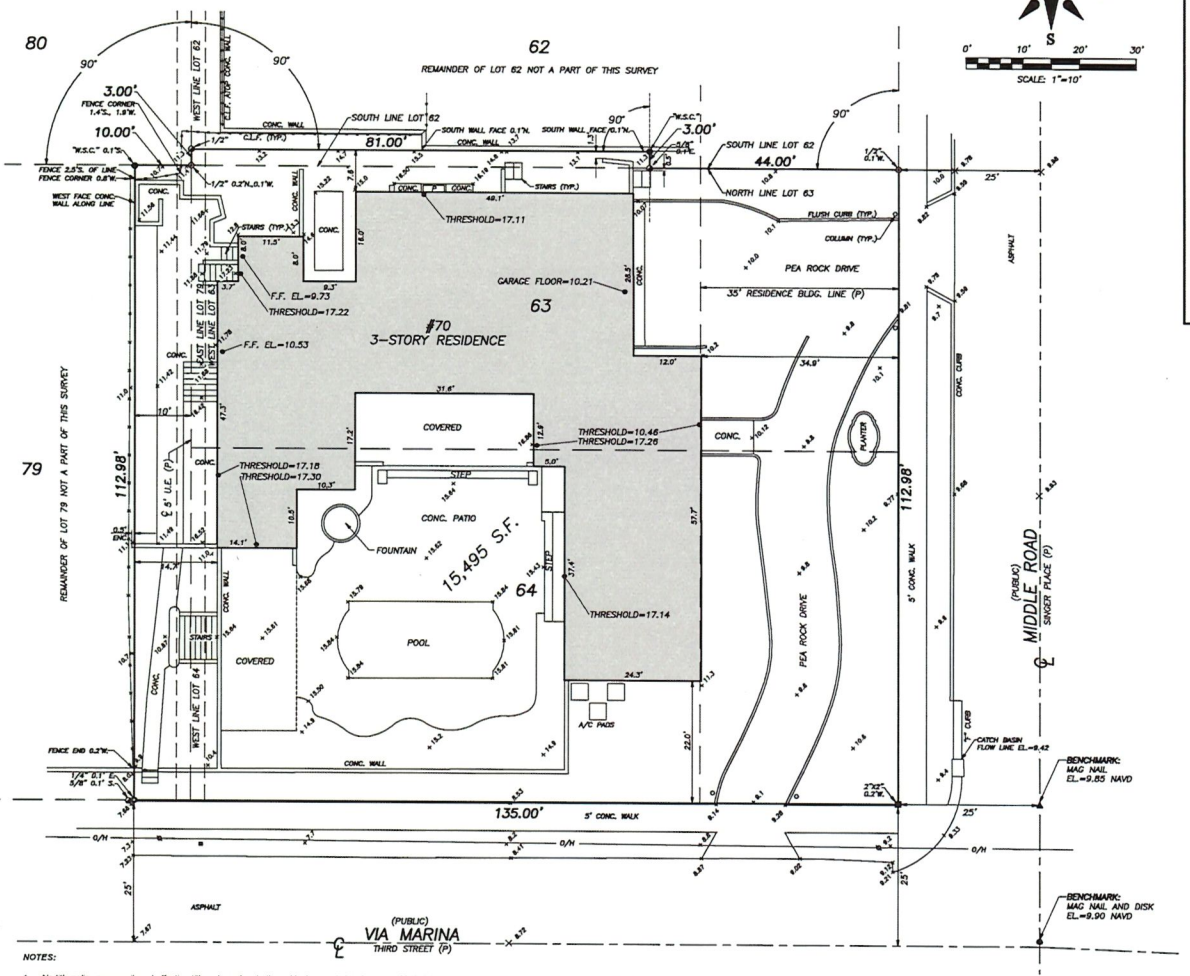
SKA
SKA ARCHITECT + PLANNER
324 ROYAL PALM WAY, SUITE 227, PALM BEACH, FLORIDA
TEL: 561.655.8788 FAX: 561.655.3353

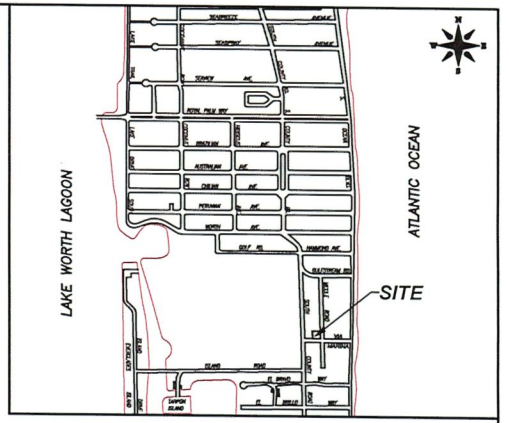
NAEGELE RESIDENCE
70 MIDDLE ROAD
PALM BEACH, FLORIDA

REVISIONS:
1

SHEET NUMBER: A11
DATE: 07-09-24
JOB # 0445

Boundary Survey For:
JENNIFER NAEGELE





VICINITY SKETCH
(NOT TO SCALE)

LEGEND

A	= ARC LENGTH
A/C	= AIR CONDITIONING
A.E.	= ACCESS EASEMENT
A.K.A.	= ALSO KNOWN AS
ASPH.	= ASPHALT
B.F.P.	= BACKFLOW PREVENTOR
BLDG.	= BUILDING
B.M.	= BENCHMARK
B.O.C.	= BACK OF CURB
B.O.W.	= BACK OF WALK
(C)	= CALCULATED
CATV	= CABLE ANTENNA TELEVISION
C.B.	= CHORD BEARING
C.B.S.	= CONCRETE BLOCK STRUCTURE
C.C.C.L.	= COASTAL CONSTRUCTION CONTROL LINE
CH	= CHORD
C.L.F.	= CHAIN LINK FENCE
CLR.	= CLEAR
C.M.P.	= CORRUGATED METAL PIPE
CONC.	= CONCRETE
(D)	= DESCRIPTION DATUM
D.B.	= DEED BOOK
D.C.D.A.	= DOUBLE CHECK DETECTOR ASSEMBLY
D.E.	= DRAINAGE EASEMENT
D.H.	= DRILL HOLE
DW	= DRIVEWAY
EL.	= ELEVATION
ENC.	= ENCROACHMENT
E.O.P.	= EDGE OF PAVEMENT
E.O.W.	= EDGE OF WATER
ESMT	= EASEMENT
F.D.C.	= FIRE DEPARTMENT CONNECTION
F.F.	= FINISHED FLOOR
FND.	= FOUND
F.O.C.	= FACE OF CURB
I.D.	= INSIDE DIAMETER
INV.	= INVERT
I.T.W.C.D.	= INDIAN TRAIL WATER CONTROL DISTRICT
L.A.E.	= LIMITED ACCESS EASEMENT
L.B.	= LICENSE BOARD
L.W.D.D.	= LAKE WORTH DRAINAGE DISTRICT
(M)	= FIELD MEASUREMENT
M.H.	= MANHOLE
M.H.W.L.	= MEAN HIGH WATER LINE
MIN.	= MINIMUM
M.L.W.L.	= MEAN LOW WATER LINE
N.A.V.D.	= NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	= NATIONAL GEODETIC VERTICAL DATUM
N.P.B.C.I.D.	= NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
N.T.S.	= NOT TO SCALE
O.A.	= OVERALL
O.D.	= OUTSIDE DIAMETER
O/H	= OVERHEAD UTILITY LINE
O.R.B.	= OFFICIAL RECORD BOOK
O/S	= OFFSET
P	= PLANTER
(P)	= PLAT DATUM
P.B.	= PLAT BOOK
P.B.C.	= PALM BEACH COUNTY
P.C.	= POINT OF CURVATURE
P.C.C.	= POINT OF COMPOUND CURVATURE
P.C.P.	= PERMANENT CONTROL POINT
PG.	= PAGE
P.I.	= POINT OF INTERSECTION
P/O	= PART OF
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.R.C.	= POINT OF REVERSE CURVATURE
P.R.M.	= PERMANENT REFERENCE MONUMENT
PROP.	= PROPOSED
P.T.	= POINT OF TANGENCY
PVMT	= PAVEMENT
(R)	= RADIAL
R	= RADIUS
RGE.	= RANGE
R.P.B.	= ROAD PLAT BOOK
R.P.Z.	= REDUCED PRESSURE ZONE
R/W	= RIGHT OF WAY
(S)	= SURVEY DATUM
S.B.	= SETBACK
SEC.	= SECTION
S/D	= SUBDIVISION
S.F.	= SQUARE FEET
S.F.W.M.D.	= SOUTH FLORIDA WATER MANAGEMENT DISTRICT
S.I.R.W.C.D.	= SOUTH INDIAN RIVER WATER CONTROL DISTRICT
S.R.	= STATE ROAD
STA.	= STATION
STY.	= STORY
S/W	= SIDEWALK
T.O.B.	= TOP OF BANK
T.O.C.	= TOP OF CURB
T.O.W.	= TOP OF WALL
TWP.	= TOWNSHIP
TYP.	= TYPICAL
U/C	= UNDER CONSTRUCTION
U.E.	= UTILITY EASEMENT
U.R.	= UNRECORDED
W.C.	= WITNESS CORNER
W.M.E.	= WATER MANAGEMENT EASEMENT
W.M.M.E.	= WATER MANAGEMENT MAINTENANCE EASEMENT
W.M.T.	= WATER MANAGEMENT TRACT
YD	= YARD DRAIN
℄	= BASELINE
℄	= CENTERLINE
△	= CENTRAL ANGLE/DELTA
■	= CONCRETE MONUMENT FOUND (AS NOTED)
□	= CONCRETE MONUMENT SET (LB #4569)
●	= ROD & CAP FOUND (AS NOTED)
○	= 5/8" IRON ROD & CAP SET (LB #4569)
⊙	= IRON PIPE FOUND (AS NOTED)
⊕	= IRON ROD FOUND (AS NOTED)
▲	= NAIL FOUND (AS NOTED)
●	= NAIL & DISK FOUND (AS NOTED)
⊙	= MAG NAIL & DISK SET (LB #4569)
℄	= PROPERTY LINE
⊘ ⊠	= UTILITY POLE
⊠	= FIRE HYDRANT
⊞	= WATER METER
⋈	= WATER VALVE
⊗	= LIGHT POLE

NOTES:

1. No title policy or commitment affecting title or boundary to the subject property has been provided. It is possible there are deeds and easements, recorded or unrecorded, which could affect this survey and boundaries. This office has made no search of the Public Records.
2. Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NAVD-88. The expected accuracy of the elevations shown hereon is 0.03' for the hard surface elevations and 0.1' for the soft surface elevations. Elevations shown hereon are U.S. survey feet unless otherwise noted.
3. Description furnished by client or client's agent.
4. Unless it bears the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.
5. This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. This survey is not transferable by Owners Affidavit of Survey or similar instrument.
6. Except as shown, underground and overhead improvements are not located. Underground foundations not located.
7. The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.
8. No responsibility is assumed by this surveyor for the construction of improvements, from building ties shown on this survey.
9. Revisions shown hereon do not represent a "survey update" unless otherwise noted.
10. All dates shown within the revisions block hereon are for interoffice filing use only and in no way affect the date of the field survey stated herein.
11. In some instances, graphic representations have been exaggerated to more clearly illustrate the relationships between physical improvements and/or lot lines. In all cases, dimensions shown shall control the location of the improvements over scaled positions.
12. It is a violation of Rule 5J-17 of the Florida Administrative Code to alter this survey without the express prior written consent of the Surveyor. Additions and/or deletions made to the face of this survey will make this survey invalid.
13. The ownership of fences, perimeter walls and/or hedges shown hereon are not known and thus are not listed as encroachments. Fences, hedges and/or perimeter walls are shown in their relative position to the boundary.
14. The expected horizontal accuracy of the information shown hereon is +/- 0.10'.

This survey is made specifically and only for the following parties(y) for the purpose of Design on the surveyed property.

Jennifer Naegele

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 33480

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 PALM BEACH, FLORIDA, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 8, page 81.

FLOOD ZONE:
This property is located in Flood Zone X, according to F.I.R.M. (Flood Insurance Rate Map) No. 12099C, dated October 5, 2017.

CERTIFICATION:

I HEREBY ATTEST that the survey shown hereon meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers adopted in Rule 5J-17, Florida Administrative Code pursuant to Section 472.027, Florida Statutes, effective September 1, 1981.

DATE OF LAST FIELD SURVEY: 06/15/2019

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

REVISIONS:
06/15/19 SPOT ELEVATIONS, SURVEY & TIE-IN UPDATE B.M./S.W. 04-1145.4
PB279/73
RECERTIFY M.B. 04-1145B

Boundary Survey For:

JENNIFER NAEGELE

WALLACE SURVEYING CORP. LICENSED BUSINESS # 6486
1553 VILLAGE BOULEVARD, WEST PALM BEACH, FLORIDA 33407 (561) 640-4551

FIELD: B.M.	JOB No.: 04-1145	F.B. PB62 PG. 33	
OFFICE: M.B.	DATE: 04/27/04	DWG. No.: 04-1145	
CK'D.: C.W.	REF.: 04-1145.DWG	SHEET: 1 OF 2	

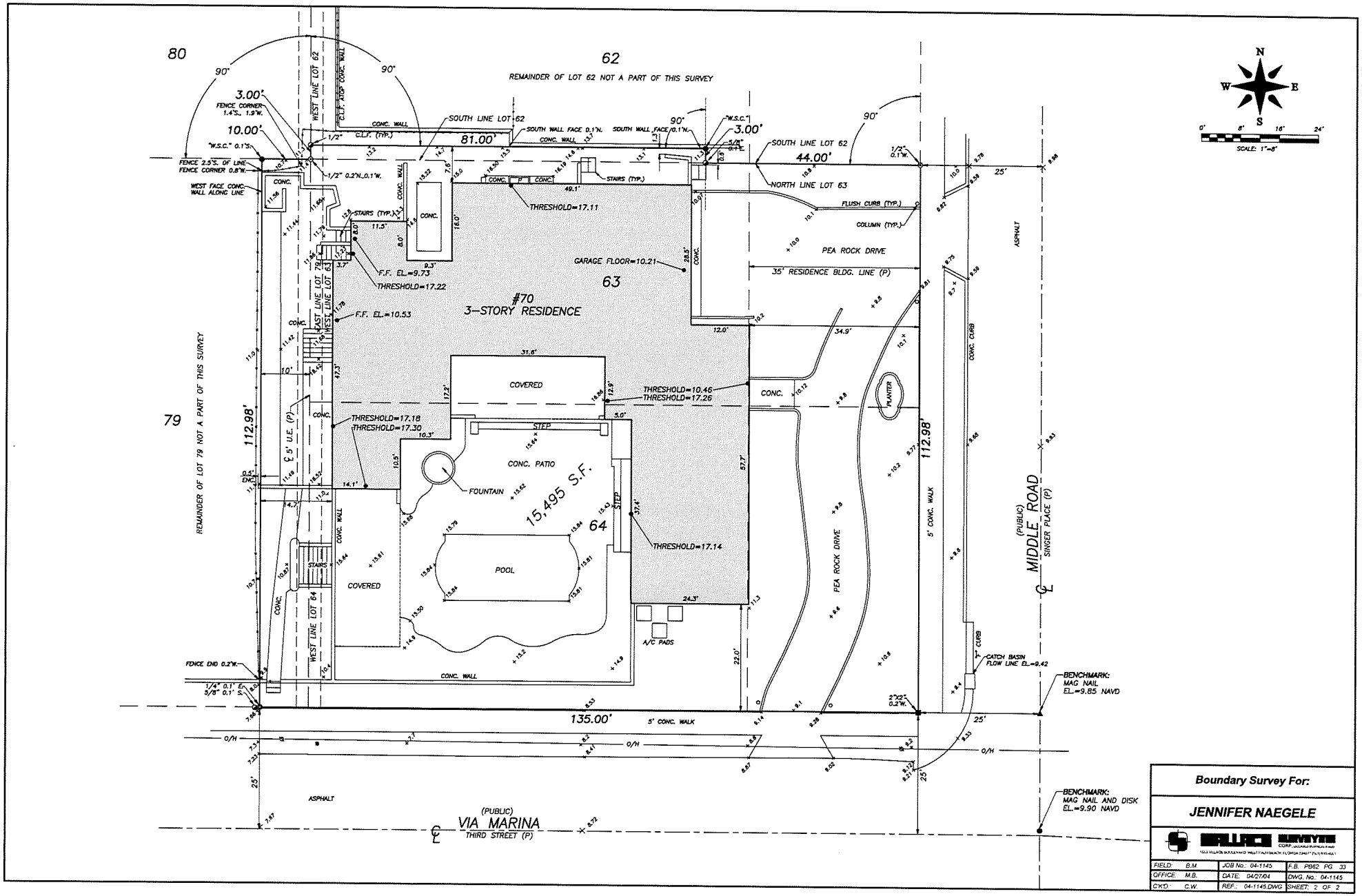


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EXHIBIT 7

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 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)