

## **XII. DESIGNATION HEARINGS**

### **1. ITEM 1: 480 SOUTH OCEAN BOULEVARD**

Owner: Patricia A. Kahn Est.

Ms. Damgard asked for confirmation on proof of publication. Ms. Mittner provided confirmation.

Several members disclosed ex-parte communications.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history of the residence of Monterey style architecture with British Colonial influences. Ms. Murphy pointed out the design features of the residence. Ms. Murphy testified that the residence met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or town; and,  
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction, or use of Indigenous materials or craftsmanship,  
Sec. 54-161 (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

**A motion was made by Mr. Ives and was seconded by Ms. Coleman to make the designation report for 480 S. Ocean Blvd. part of the record. The motion was carried unanimously, 7-0.**

Paul Minoff, an attorney for PNC Bank, the corporate owner, and the trustee of Patricia A. Kahn's estate argued that the home is an eyesore, dilapidated, and should be demolished. He showed the commission photographs of the home's existing condition on the projector. He stated that the property would be sold with the proceeds donated to charity. He stated that a recent appraisal indicated that the home had no value and exceeded its 50-year lifespan. He circulated the recent appraisal and stated that the interior of the wood-framed structure had been demolished and had not been maintained for several years, probably since 1984. Mr. Minoff added that the adjacent neighbor had complained about the property for years. When asked if Ms. Kahn lived in the home, Mr. Minoff stated that she was a snowbird and had not visited the property in many years. He stated the home was structurally unsound.

Ms. Damgard thought the home's wood-frame structure added to its importance in the town. She wondered if the bank had any offers to purchase it. Mr. Minoff stated that the realtors who were present could comment, but he had not heard of any offers and did not believe anyone wanted to restore the home. Mr. Minoff noted that Jane Day, the town's previous consultant, never suggested designating the home. He questioned whether Wyeth even designed the home as the plans were not signed by him. He passed around a book on Wyeth and argued that none of the contents indicated that he designed the home.

Ms. Coleman wondered why the town did not act if there had been numerous complaints.

Town Attorney Francisco reminded the commission that while many different statements were made about the home, they needed to evaluate it based on the criteria in the code, specifically 54-161.

Mr. Minoff stated that many code complaints were related to the landscaping and the failure to maintain the property. However, beginning in 2011, other complaints were made about the neglect and rodents at the property. He thought the Town and Ms. Kahn's estate worked together to make small changes, and ultimately, the cases were closed.

Mr. Minoff provided arguments against the criteria outlined by the consultants. He asked that the commission decline the request for designation.

Ms. Mittner agreed with Ms. Murphy's assessment that the property met criteria 1, 3, and 4. She indicated that a property's value was not a criterion to be considered. Ms. Mittner added that the property's lack of alterations was a desirable trait for landmarking; previous permits that were pulled were for repairs only. She concluded that it is one of the last examples in the town.

Mr. Minoff clarified his statement and stated that the property had not been maintained since 1984 and continued to deteriorate. He spoke about the interior demolition that occurred, at first without a permit.

Mr. Griswold thought many of the attorney's statements clarified why the property was so important. He thought it was unfortunate that the property had been neglected for many years. Mr. Griswold thought some people would restore this home, and he understood that it would be financially better for the estate if it were demolished.

Ms. Herzig-Desnick agreed with Mr. Griswold. She thought the bank was responsible for some of the demolition if it had owned the property for several years.

Mr. Minoff stated that the bank only took over the estate when the owner passed away last year. He added that the town had also known about the deterioration for years. He argued that since the home was wood framed, it would never be worth much money.

Mr. Ives confirmed that there were no active applications for the property. Ms. Mittner stated there were active permits, but the staff had reviewed them and were consistent with landmarks.

Ms. Lindsay-Scott understood that the property recently went on the market. She thought the property was unique and stated that the listing for the home stated it could be renovated or demolished. Mr. Minoff stated that it could be restored but questioned whether it could be restored to its original state.

Ms. Herzig-Desnick wondered when the photograph on the front of the designation report was taken. Mses. Murphy and Stillings took the photograph about 3 to 4 years ago. Mr. Minoff thought the photograph misrepresented the home.

Mr. Minoff read a comment from Thomas O'Malley at 101 El Bravo, who thought the home was an eyesore and did not fit into its surroundings. Mr. O'Malley also stated he did not believe it could be renovated and suggested that the commission reject the designation.

Ms. Damgard called for public comment.

Aimee Sunny of the Preservation Foundation of Palm Beach discussed her qualifications since she would be providing testimony. She concurred with the designation report and believed the property met criteria 1, 3, and 4. She thought the home's design and style were in keeping with 1935, its importance and uniqueness as one of the only wood-structured homes on South Ocean Boulevard, and its integrity and significance remained intact. She argued that the property's condition was not a criterion to be considered by the commission, and while the condition was unfortunate, it could be restored.

Mr. Minoff thought that Ms. Sunny's statements were hearsay and speculation.

Mr. Ives supported the comments made by Mses. Sunny and Mittner. He

argued that landmark properties were not financial burdens, and while the home's interior had been demolished, the commission did not landmark interiors. He reminded the commission that only one criterion needed to be met to landmark a home. He agreed that the home met the three stated by Ms. Murphy. He provided positive arguments for the home being designed for Wyeth, Wyeth's architectural firm, and that the structure was wood-framed. He thought the designation report produced good evidence and was very well written. Mr. Ives strongly supported the designation and believed it met the three criteria outlined by the consultants.

Ms. Brooker discussed the renovation of her wood-framed home, which had been unkept when she purchased the property. She stated that since only one criterion was needed for landmarking, it did not matter if a notable architect designed the home. The deterioration of the home should not be considered when determining whether the home is landmarked. She thought some buyers would want to restore the home, so the financial aspect of the home should not be considered.

**A motion was made by Ms. Coleman and was seconded by Mr. Ives to recommend 480 S. Ocean Blvd. to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3, and 4 in Section 54-161 and with the acknowledgment that the representatives of the estate object to the designation. The motion was carried unanimously, 7-0.**