

CITY OF JACKSONVILLE  
HISTORIC PRESERVATION  
COMMISSION

Proceedings held on Wednesday, September 25,  
2024, commencing at 3:13 p.m., at the Ed Ball Building,  
Hearing Room 1002, 214 North Hogan Street, Jacksonville,  
Florida, before Diane M. Tropa, FPR, a Notary Public in  
and for the State of Florida at Large.

PRESENT:

MICHAEL MONTOYA, Chair.  
WILLIAM HOFF, Secretary.  
JULIA EPSTEIN, Commission Member.  
BECKY MORGAN, Commission Member.

ALSO PRESENT:

ARIMUS WELLS, Planning and Development Dept.  
BRITTANY FIGUEROA, Planning and Development.  
CARLA LOPERA, Office of General Counsel.  
JOANNA SNYDER, Planning and Development Dept.

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1 Just to go over some things for everyone.  
2 As a courtesy, we ask you to please  
3 silence your cell phone. We ask that there be  
4 no public displays of support or opposition.  
5 Please keep any private conversations at a low  
6 tone so it doesn't disrupt the meeting.  
7 And just to note, if a meeting -- if the  
8 meeting goes over -- for two hours, we'll take  
9 a ten-minute break. And in the next two hours,  
10 if it goes that long, we'll take another one.  
11 If you're here today to speak before the  
12 Commission, including applicants, please make  
13 sure you filled out a speaker's card and you've  
14 given it to staff. If you haven't given it to  
15 them, you can bring it with you when you come  
16 up. Please make sure that you mark on the card  
17 the COA number that you're here to speak to and  
18 whether you are for or against the items.  
19 Please note that the proceedings here  
20 today are being recorded for the record. So  
21 it's important that you speak very clearly into  
22 the microphone. And as you can tell, your  
23 distance from it makes a difference here, so  
24 please be a little more focused on that.  
25 When you come forward to speak, as you  
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1 PROCEEDINGS  
2 September 25, 2024 3:13 p.m.  
3  
4 THE CHAIRMAN: Good afternoon, everyone.  
5 I'll call the meeting of the Jacksonville  
6 Historic Preservation Commission to order.  
7 Welcome, everyone who is attending today.  
8 Let the record reflect that it's  
9 September 25th, 3:13 p.m.  
10 We'll start with staff introductions.  
11 MR. WELLS: Arimus Wells, Planning and  
12 Development Department.  
13 MS. LOPERA: Carla Lopera, Office of  
14 General Counsel.  
15 MS. FIGUEROA: Brittany Figueora, Planning  
16 and Development Department.  
17 THE CHAIRMAN: Thank you.  
18 And commissioners.  
19 COMMISSIONER MORGAN: Becky Morgan,  
20 Commissioner.  
21 COMMISSIONER HOFF: William Hoff,  
22 commissioner.  
23 COMMISSIONER EPSTEIN: Julia Epstein,  
24 commissioner.  
25 THE CHAIRMAN: Michael Montoya, chair.  
Thanks, everyone.  
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1 approach the microphone, please state your name  
2 and address, and then wait to be sworn in.  
3 Only one person may speak at a time, and  
4 we ask that your presentations be very focused  
5 and concise and you limit it to the criteria  
6 upon which the decision must be made.  
7 Each speaker has three minutes, including  
8 the applicants. There's a timer at the podium,  
9 and -- it's been changed -- okay. I can ad lib  
10 a little bit, but you can see how much time you  
11 have, and staff will announce when your time is  
12 up. If you're in the middle of a sentence,  
13 please finish the sentence, but wrap up the --  
14 wrap up your time.  
15 If you're here today to speak and you have  
16 materials to consider as part of the  
17 application, please make sure you have ten  
18 copies and give it over to staff and have a  
19 copy for yourself as it will become part of the  
20 public record.  
21 All right. Thanks, everyone.  
22 Would anyone like to make a motion  
23 regarding last month's meeting minutes?  
24 COMMISSIONER EPSTEIN: Motion to approve  
25 the meeting minutes from the August 28, 2024,  
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1 meeting.

2 COMMISSIONER HOFF: I will second.

3 THE CHAIRMAN: All those in favor?

4 COMMISSION MEMBERS: Aye.

5 THE CHAIRMAN: All those opposed?

6 COMMISSION MEMBERS: (No response.)

7 THE CHAIRMAN: Know that the meeting

8 minutes are approved.

9 MS. PRYOR: Point of order, those haven't

10 been published. September 11th was the last

11 meeting.

12 THE CHAIRMAN: This isn't the time for

13 questions just yet. When we get to that, we

14 can.

15 Okay. So we'll start with the -- on the

16 agenda today, the deferred items. The deferred

17 items are COA-23-28339, 3664 Richmond Street;

18 COA-23-29186, 2799 Selma Street; COA-24-31092,

19 3633 Richmond Street; COA-24-31124, 3629

20 Richmond Street; COA-24-30961, 1135 Walnut

21 Street; COA-24-30828, 3331 St. Johns Avenue;

22 COA-24-31005, 2749 Downing Street;

23 COA-24-31169, 2351 Riverside Avenue; and

24 REHAB-24-03, 157 8th Street East.

25 Those items have been deferred and will be

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1 heard at a later time.

2 Now on to the consent agenda. A little

3 bit about the consent agenda: Just for your

4 information, when applying for a COA staff

5 reviews the COA, they make recommendations, and

6 the applicant reviews those recommendations

7 with staff. And if they're in agreement with

8 them, then the COA application moves to the

9 consent agenda. And in most cases, that is

10 approved with conditions that they -- an

11 applicant agrees to.

12 We're going to list off the items on the

13 consent agenda and then we're going to ask if

14 anyone's here to speak to those. And then

15 we'll review any that are pulled off later and

16 we'll vote on the ones that remain.

17 If you're here today in regards to a --

18 the consent agenda, an application that's on

19 the consent agenda, if it's approved, you're

20 welcome to stay for the rest of the meeting,

21 but you don't have to. Once your item has been

22 approved, then you're -- you're free to leave.

23 If you're on the consent agenda and the

24 item has been pulled, so that we're going to

25 have to review it, then you should remain so

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1 that you can speak if needed.

2 All right. Today's consent agenda:

3 Number 1, COA-24-30395, 2050 Liberty Street;

4 Number 2, COA-24-30928, 3733 Pine Street;

5 Number 3, COA-24-30969, 3510 Oak Street; Number

6 4, COA-24-31157, 3380 Knight Street; Number 5,

7 COA-24-31176, 1254 Hollywood Avenue; Number 6,

8 COA-24-31177, 1260 Hollywood Avenue; Number 7,

9 COA-24-31249, 2311 River Boulevard, Number 8,

10 COA-24-31216, 3208 Tivoli Street; Number 9,

11 COA-24-31218, 3011 Riverside Avenue.

12 So, again, if there's anyone here to speak

13 to the items on the consent agenda -- strike

14 one.

15 So we'll open the public hearing. If

16 there's anyone here to speak regarding any of

17 these consent agenda items, please come

18 forward.

19 AUDIENCE MEMBERS: (No response.)

20 THE CHAIRMAN: Seeing no one, we will

21 close the public hearing, and I'll hear a

22 motion.

23 COMMISSIONER EPSTEIN: Motion to approve

24 the consent agenda as read.

25 COMMISSIONER HOFF: I will second.

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1 THE CHAIRMAN: All those in favor?

2 COMMISSION MEMBERS: Aye.

3 THE CHAIRMAN: All those opposed?

4 COMMISSION MEMBERS: (No response.)

5 THE CHAIRMAN: So let it be known that all

6 items on the consent agenda are hereby

7 approved.

8 All right. On to the next item on the

9 agenda, previously deferred items to be heard.

10 We have COA-24-30895.

11 Thank you, everyone.

12 AUDIENCE MEMBER: I'm sorry, I actually do

13 need to speak on the consent agenda, for -31157

14 (inaudible).

15 THE CHAIRMAN: I'm sorry, but we've

16 already voted and it's been approved.

17 AUDIENCE MEMBER: I do need to bring up

18 something that was missed in the information

19 that I believe may have been a concern from

20 your end.

21 MS. LOPERA: Through the Chair to the

22 Commission, I heard someone from the audience

23 state that they want to speak on an item on the

24 consent agenda. If someone wants to move to

25 reconsider that potential item and they get a

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1 second, you-all can vote on that to reconsider  
 2 it. Otherwise, if there's no motion on the  
 3 floor, we can move on with the agenda.  
 4 COMMISSION MEMBERS: (No response.)  
 5 THE CHAIRMAN: So there's no motion to  
 6 move on?  
 7 COMMISSIONER HOFF: Through the Chair, I  
 8 would like to make a motion to hear the comment  
 9 from the person in the audience.  
 10 MS. LOPERA: Through the Chair to the  
 11 Commission, the motion would have to be to  
 12 reconsider that particular COA, in which we  
 13 would open it up, open the public hearing  
 14 again, and you'd have to start over for that  
 15 particular item because it's already been  
 16 approved.  
 17 COMMISSIONER HOFF: Okay.  
 18 COMMISSIONER EPSTEIN: What's the COA  
 19 number?  
 20 AUDIENCE MEMBER: -31157.  
 21 COMMISSIONER EPSTEIN: So motion to  
 22 reconsider COA-24-31157, 3380 Knight Street.  
 23 THE CHAIRMAN: We'll need a second.  
 24 COMMISSIONER HOFF: I will second that.  
 25 MS. LOPERA: All right. So now if I

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1 could, Mr. Chair, put you in the correct  
 2 posture?  
 3 THE CHAIRMAN: Please.  
 4 MS. LOPERA: Okay. Through the Chair to  
 5 the Commission, so now you can read off that  
 6 item, if someone wants to move it, and then you  
 7 can open the public hearing again and take  
 8 testimony from the audience member.  
 9 COMMISSIONER EPSTEIN: Through the Chair  
 10 to counsel, after we do that, do we have to  
 11 approve the consent agenda amended minus that?  
 12 MS. LOPERA: Through the Chair to  
 13 Commissioner Epstein, no.  
 14 So the rest of the items are approved.  
 15 You've just moved to reconsider this specific  
 16 COA.  
 17 COMMISSIONER EPSTEIN: Okay.  
 18 THE CHAIRMAN: So we'll reopen the public  
 19 hearing.

20 (Audience member approaches the podium.)  
 21 THE CHAIRMAN: Hello. Could you state  
 22 your name and address for the record?  
 23 AUDIENCE MEMBER: Yes.  
 24 My name is Coral Spencley, and I represent  
 25 Greystone Construction, and we are at 9456

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1 Philips Highway, Suite 9, Jacksonville, Florida  
 2 32256.  
 3 THE CHAIRMAN: All right. She'll swear  
 4 you in.  
 5 (Discussion held off the record.)  
 6 THE REPORTER: I have to swear you in. If  
 7 you would raise your right hand for me, please.  
 8 MS. SPENCLEY: (Complies.)  
 9 THE REPORTER: Do you affirm that the  
 10 testimony you are about to give will be the  
 11 truth, the whole truth, and nothing but the  
 12 truth?  
 13 MS. SPENCLEY: Absolutely.  
 14 THE REPORTER: Thank you.  
 15 MS. SPENCLEY: Okay. So we noticed on the  
 16 actual staffing report that there was a  
 17 notation that the defining features of the home  
 18 could not be changed, specifically chimneys  
 19 were noted. And after reviewing our plans, we  
 20 did have it pulled -- we had it notated that  
 21 the secondary chimney was to be removed. And I  
 22 cannot, in good conscience, state that that's  
 23 perfectly approvable if that was notated in our  
 24 way.

25 THE CHAIRMAN: Arimus, could you pull it  
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1 up on the screen so that we can look at it?  
 2 Thank you.  
 3 MS. SPENCLEY: If you go back to, I  
 4 believe, Page 2 or 3 -- that one here.  
 5 So down here in the staff and summary and  
 6 analysis, it does say that the -- the first  
 7 notation, character-defining features such as  
 8 chimneys will not be affected. However, we are  
 9 planning on removing the right-hand chimney as  
 10 it is a structural element but has been closed  
 11 off from every unit. It's something that we  
 12 are using -- we are removing.

13 If you have the documentation for our  
 14 architectural plans, it does have a notation on  
 15 the second floor that the chimney is to be  
 16 removed. I assume that would be noticed on the  
 17 final inspection.

18 MR. WELLS: Through the Chair -- to the  
 19 Chair, do you want me to deliver a report or  
 20 how do you want me to take this up?

21 THE CHAIRMAN: I think we should go ahead  
 22 and hear a report, and then -- since this is  
 23 the only item being considered, it's on the  
 24 consent agenda, we'll go ahead and review it  
 25 and then get it behind us.

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1 MR. WELLS: Okay.  
2 THE CHAIRMAN: I'm sorry, you can sit down  
3 if you would like, and then we'll call you back  
4 up if we need you. And thank you for bringing  
5 this to our attention.

6 MR. WELLS: Thank you.  
7 So this is application COA-2024-31157 for  
8 the property located at 3380 Knight Street. So  
9 this is for a first-floor renovation and an  
10 additional second-floor addition to the primary  
11 structure.

12 We found that the structure is a  
13 contributing home in the Riverside Avondale  
14 Historic District, and it's a frame vernacular  
15 design with both Colonial and Classical Revival  
16 features.

17 An existing room on the rear elevation  
18 that currently protrudes from the home will be  
19 partially demolished and then rebuilt,  
20 extending to the second floor.

21 Overall, we evaluated this application in  
22 accordance with our design guidelines and our  
23 Ordinance Code criteria. We found that the  
24 proposed addition would be compatible.

25 And just to reference the applicant's  
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1 comments about the chimney removal, we did not  
2 evaluate that in terms of our staff findings,  
3 so we -- at this point in time, we don't have  
4 any additional evidence to demonstrate removal  
5 of the chimney, so we will stand by our  
6 original staff report that includes the chimney  
7 being maintained.

8 THE CHAIRMAN: Any questions for staff?

9 COMMISSION MEMBERS: (No response.)

10 THE CHAIRMAN: So I have a question for  
11 staff. So it sounds like that this was  
12 something that doesn't -- didn't appear under  
13 the review, it didn't get reviewed, but in  
14 stating that you maintain the evaluation and  
15 the recommendation of staff, that means you  
16 don't recommend removal of the chimney?

17 MR. WELLS: To the Chair, that is correct  
18 because when the application was submitted, it  
19 was mainly for new construction, a rear  
20 addition, so that's what we evaluated the  
21 request on.

22 Of course, the plans do show the front  
23 elevation, it does show the -- the primary  
24 structure, but we were reviewing it solely for  
25 the addition component.

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1 THE CHAIRMAN: And so -- again, question  
2 for staff. So this is a situation where this  
3 isn't something that was directly asked for in  
4 the application, but now the applicant is  
5 asking for it at today's hearing.

6 And this is something that we can vote on  
7 based on -- we can discuss and vote based on  
8 the design guidelines?

9 This isn't -- I guess what I'm asking is,  
10 this isn't something that the applicant needs  
11 to ask that this be pulled, meet back with  
12 staff, and have a new -- an amended report that  
13 we can review at the next meeting?

14 MS. LOPERA: To the Chair, so that's at  
15 your discretion.

16 THE CHAIRMAN: Okay.

17 MS. LOPERA: If you all want to hear this  
18 and amend conditions as you see fit, it's  
19 within the purview of this body.

20 THE CHAIRMAN: Yeah, so it's my -- it's my  
21 preference to go ahead and review this based on  
22 the design guidelines because I think it's  
23 fairly clear.

24 COMMISSIONER HOFF: Through the Chair to  
25 Mr. Wells, the chimney that the applicant would  
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1 like to remove, that is not -- that is not part  
2 of the -- that is not part of the  
3 reconstruction and the new addition; is that  
4 correct?

5 MR. WELLS: Through the Chair to  
6 Commissioner Hoff, that's my understanding.

7 I would defer to the applicant just to  
8 confirm that piece, but from -- again, from my  
9 understanding, it was only for the rear  
10 construction -- a partial demolition, of  
11 course, but the demolition did not include  
12 chimney removal.

13 COMMISSIONER HOFF: Okay.

14 THE CHAIRMAN: All right. So we have an  
15 item that was on the consent agenda. We've  
16 pulled it off, so I -- I'll entertain a motion  
17 on this.

18 MS. LOPERA: Mr. Chair, your public  
19 hearing is still open. I don't know if you  
20 want to give the applicant an opportunity to  
21 come up, or if not, ask if there are any other  
22 speakers here to --

23 THE CHAIRMAN: Okay.

24 MS. LOPERA: -- discuss this item.

25 THE CHAIRMAN: Thank you.

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1 Yes. Would you would like to add anything  
 2 to that, ma'am?  
 3 And, secondly, if there's anyone else here  
 4 who'd like to speak to this today, after the  
 5 applicant, you can come forward.  
 6 (Ms. Spencley approaches the podium.)  
 7 MS. SPENCLEY: This was not part of the  
 8 construction of the addition. It was part of  
 9 an internal construction portion where we are  
 10 removing a wall that does not affect the  
 11 exterior of the home.  
 12 (Reporter clarification.)  
 13 MS. SPENCLEY: I'll get a little closer.  
 14 It is not part of the addition, the  
 15 construction for the addition or the demo for  
 16 the addition; it's part of an interior  
 17 construction remodel that we're doing for their  
 18 kitchen, removing a wall.  
 19 It does change quite a bit about the  
 20 project that we would be doing. It is integral  
 21 to the project and would change quite a bit  
 22 about what we were doing. I'm not sure if  
 23 there is an option that we can adhere to your  
 24 requirements.  
 25 This is a very heavy, very original  
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1 chimney that is going to be too heavy for the  
 2 home to hold once it has been removed. So is  
 3 there an option that I would be able to offer  
 4 that would allow us to have the image of the  
 5 chimney or is that -- if it is a secondary  
 6 chimney that's no longer in use, does the first  
 7 chimney still constitute the historic presence?  
 8 It is also a furnace chimney that does not  
 9 serve as the fireplace.  
 10 COMMISSIONER EPSTEIN: Through the Chair  
 11 to the public -- I don't know how to say that  
 12 right.  
 13 THE CHAIRMAN: The applicant.  
 14 COMMISSIONER EPSTEIN: The applicant, I'm  
 15 sorry.  
 16 The chimney in question, is it -- when  
 17 you're looking -- when you're looking at the  
 18 front of the house --  
 19 MS. SPENCLEY: It is the right-hand  
 20 chimney.  
 21 COMMISSIONER EPSTEIN: It is -- so it is  
 22 the one that's visible from the street, that  
 23 corner road?  
 24 MS. SPENCLEY: So the left-hand chimney  
 25 that is actually more forward on the home that  
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1 is on the protruding area, the centered  
 2 protruding roof, that is the active chimney  
 3 that is being utilized by the fireplaces.  
 4 And the one on the far right, we're  
 5 looking at the back end of it. It is skinnier  
 6 from the other end on -- around the corner. It  
 7 is the one that we would want to remove.  
 8 COMMISSIONER EPSTEIN: So it is visible  
 9 from the adjacent street?  
 10 MS. SPENCLEY: It is.  
 11 THE CHAIRMAN: Okay. Any other comments  
 12 so far?  
 13 COMMISSION MEMBERS: (No response.)  
 14 THE CHAIRMAN: I think your questions are  
 15 things that we're going to have to discuss  
 16 after a motion is made, but we are taking note  
 17 of your questions.  
 18 Would you like to say anything else? Is  
 19 there anything you want to add?  
 20 MS. SPENCLEY: No. I believe that I've  
 21 communicated what I would need. I would just  
 22 need, once we understood the choice, what our  
 23 options may be.  
 24 THE CHAIRMAN: Okay.  
 25 MS. SPENCLEY: Do you have questions?  
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1 THE CHAIRMAN: Not yet, but we may call  
 2 you back up once we move forward.  
 3 MS. SPENCLEY: Thank you.  
 4 THE CHAIRMAN: Thank you.  
 5 Is there anyone else here today that wants  
 6 to speak to this item?  
 7 AUDIENCE MEMBERS: (No response.)  
 8 THE CHAIRMAN: We're going to close the  
 9 public hearing.  
 10 There's some information that has been  
 11 received. There's an application on the table.  
 12 Do I hear a motion?  
 13 COMMISSIONER EPSTEIN: Motion to approve  
 14 COA-24-31157 as written.  
 15 COMMISSIONER HOFF: I will second.  
 16 THE CHAIRMAN: Okay. So we're open for  
 17 discussion now.  
 18 COMMISSIONER HOFF: Through the Chair, so  
 19 the chimney in question does appear to be very  
 20 visible from two streets and does appear to be  
 21 of some size. It's my opinion that it is one  
 22 of the unique characteristics of the home. And  
 23 since our reach is really only to the exterior  
 24 of the home, I am -- I, obviously, have no  
 25 issues whatsoever how they choose to renovate  
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1 the inside.

2 And I do understand that there could be

3 some challenges accommodating the existing

4 chimney with a -- with the removal on the

5 inside that you would like to do. However,

6 that seems more like an engineering issue that

7 the applicant would need to figure out a

8 solution to rather than changing the exterior

9 fabric.

10 So that's -- that's my opinion.

11 COMMISSIONER EPSTEIN: Through the Chair,

12 I echo a lot of what Commissioner Hoff said.

13 When I first looked at the picture, the

14 reason I asked is, thinking in my mind, looking

15 at the front of the house and the side of the

16 house, that the secondary chimney was the one

17 that was less visible, but this is very

18 visible, pretty substantial as an element of

19 the house, and I would be for keeping it.

20 COMMISSIONER MORGAN: Through the Chair to

21 staff, I just have a question on the

22 application. It's saying that there was a

23 description of the demolition and addition to

24 existing elevations, and I didn't see those in

25 here. Were those shared with you?

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1 Commissioner Morgan, yes, I have it pulled up

2 right here. So, again, it's notated on the

3 roof plan.

4 COMMISSIONER MORGAN: Okay.

5 THE CHAIRMAN: And so the -- and so as you

6 say, as Commissioner Epstein has stated, on

7 that roof plan, the chimneys are shown, but

8 there's no note calling it out to be

9 demolished. And there's -- there are other

10 notes on the drawing that speak to the work,

11 but not that specifically, and so I think

12 that -- anyone else?

13 MS. SPENCLEY: May I call out where the

14 notation is? It's on the second floor.

15 THE CHAIRMAN: Please come up to the

16 microphone.

17 (Ms. Spencley approaches the podium.)

18 MS. SPENCLEY: The notation is on Page D1

19 in the second floor demolition plan.

20 MR. WELLS: Through the Chair to the

21 Commission, we do not have a copy of those

22 plans if it was -- D1?

23 MS. SPENCLEY: Yes.

24 MR. WELLS: We do not have a copy of those

25 in the book.

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1 MR. WELLS: Through the Chair to

2 Commissioner Morgan, I was referring to the

3 elevations in the staff report, so I'll scroll

4 up for your reference.

5 COMMISSIONER MORGAN: I'm sorry, in the

6 application, the applicant states that there is

7 a narrative of the demolition as well as

8 existing elevations, and that's what I'm not

9 seeing in the book. That was the -- I was

10 wondering if you had seen those.

11 MR. WELLS: Okay. Let me scroll through

12 this one second.

13 COMMISSIONER EPSTEIN: Through the Chair

14 to Commissioner Morgan, there is -- the text

15 that's with the roof plan speaks about the

16 demolition to that existing roof line.

17 COMMISSIONER MORGAN: Okay.

18 COMMISSIONER EPSTEIN: It doesn't really

19 speak on the elevations. Most of the

20 demolition request is on the roof line, but it

21 does not call out that chimney.

22 THE CHAIRMAN: So while we're -- just for

23 the sake of time, while Arimus is looking for

24 that, this is a (microphone failure).

25 MR. WELLS: Through the Chair to

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1 THE CHAIRMAN: So that -- you're referring

2 to a demolition plan, D1?

3 MS. SPENCLEY: Yes. It was attached to

4 the file.

5 THE CHAIRMAN: So was that -- you're

6 stating that you submitted that?

7 MS. SPENCLEY: Yes.

8 THE CHAIRMAN: So --

9 MR. WELLS: Through the Chair to the

10 Commission, we'll have to look at the hard file

11 for that. But as of right now, included within

12 the book, we don't have a copy of the D1

13 demolition plans.

14 THE CHAIRMAN: Okay. Well, I think

15 there -- we're still in a discussion, and I

16 would say -- again, thank you for coming

17 forward with this because this isn't an easy

18 thing for you to do.

19 We're going to -- we'll discuss it a

20 little bit more. Not to make you walk back and

21 forth, but if we need you, we'll ask you to

22 come back up.

23 So there's an issue at hand with the

24 existing application. It's now been pulled off

25 the consent agenda, so we're discussing it and

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1 ultimately voting on it.  
 2 And there's an item of concern, the  
 3 chimney that is part of the original  
 4 contributing structure that is certainly a  
 5 historic part of the structure.  
 6 There's comments about its visibility.  
 7 This is a corner property, so it has the -- so  
 8 the chimney is very much visible. And I agree  
 9 with the comments that the commissioners --  
 10 that you've been making in regards to that, and  
 11 trying to think of a way to consider it more of  
 12 a secondary or nonvisible structure, but I  
 13 think that's really the -- the matter at hand.  
 14 This is a feature of the contributing  
 15 structure's history, and it is -- it is not  
 16 normal for us to agree to remove something like  
 17 this.  
 18 And as Commissioner Hoff has stated, you  
 19 know, the -- what happens on the interior of  
 20 the home is less a part of our purview as the  
 21 exterior and its position and the fabric of the  
 22 neighborhood in the district.  
 23 So I think there probably needs to be an  
 24 amendment to the motion about approval that's  
 25 very specific in regards to the chimney.

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1 the elevation drawings dated August 5th, 2024,"  
 2 which I believe show a removed chimney.  
 3 So if you all could discuss and then amend  
 4 that as you see fit, that would be most  
 5 helpful.  
 6 THE CHAIRMAN: Thank you.  
 7 That's what I'm -- that's what I'm  
 8 suggesting, is that the -- the motion needs to  
 9 address the historic chimney specifically.  
 10 COMMISSIONER EPSTEIN: So I need to make a  
 11 motion to amend my motion?  
 12 MS. LOPERA: Through the Chair to  
 13 Commissioner Epstein, it would be helpful if  
 14 someone made a motion to amend, to clarify  
 15 what's to happen with the chimney because  
 16 the -- Condition 1 is in conflict with some of  
 17 the text later in the staff report. So if we  
 18 could resolve what you-all want to see happen  
 19 with the chimney, that would be great.  
 20 COMMISSIONER HOFF: Through the Chair to  
 21 Mr. Wells, what language would you  
 22 hypothetically prefer in a motion regarding  
 23 this issue?  
 24 MR. WELLS: Through the Chair to  
 25 Commissioner Hoff, staff would be in support of

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1 COMMISSIONER EPSTEIN: I said approve as  
 2 is, to approve (microphone failure).  
 3 MS. LOPERA: Well, through the Chair to  
 4 the Commission, on the table right now is a  
 5 motion to approve with staff conditions as  
 6 written. There's been a second. You're  
 7 discussing. That can either be voted on or you  
 8 could entertain further amendments.  
 9 THE CHAIRMAN: So the way I understand the  
 10 staff conditions, they don't address the  
 11 chimney specifically, but --  
 12 MS. LOPERA: (Off microphone.)  
 13 THE CHAIRMAN: It does say a chimney has  
 14 to remain?  
 15 MR. WELLS: Through the Chair to the  
 16 Commission, the conditions do not explicitly  
 17 state that the chimney shall remain, but we  
 18 would be in support of that, just to clarify it  
 19 on the record, of course, too.  
 20 MS. LOPERA: Through the Chair to the  
 21 Commission, my recommendation to you is -- the  
 22 conditions need to be amended in some way,  
 23 shape or form because currently it says --  
 24 Condition 1 reads, "Materials, design, and  
 25 height shall be substantially consistent with

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1 a revised -- well, striking Condition 1 and  
 2 replacing it with language that alludes to the  
 3 applicant submitting revised plans that depict  
 4 both chimneys being intact and sub- -- which is  
 5 also subject to review and approval by our  
 6 section.  
 7 COMMISSIONER HOFF: So to clarify, would  
 8 that -- so that would be a request for the  
 9 applicant to submit revised plans. So then we  
 10 would -- so then we would not be voting to  
 11 approve or deny today; is that correct?  
 12 Because there are no revised plans provided  
 13 yet.  
 14 MS. LOPERA: Through the Chair to  
 15 Commissioner Hoff, normally, in a situation  
 16 like this, we would phrase it as "to be  
 17 approved by the Historic Preservation section,"  
 18 who would take your comments about the chimney  
 19 and ensure that the revised elevation drawings  
 20 reflect that.  
 21 COMMISSIONER HOFF: Okay. I will make a  
 22 motion to revise the existing motion, I think.  
 23 MS. LOPERA: Through the Chair to  
 24 Commissioner Hoff, motion to amend Condition 1?  
 25 COMMISSIONER HOFF: I will make a motion

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1 to amend, stating that Condition 1 be removed  
 2 and that the applicant will submit revised  
 3 plans and elevations to be approved by the  
 4 Historic section that shows the status of both  
 5 existing chimneys.  
 6 COMMISSIONER EPSTEIN: Second.  
 7 THE CHAIRMAN: If there's no discussion,  
 8 we can put it to a vote.  
 9 Is there any more discussion?  
 10 COMMISSION MEMBERS: (No response.)  
 11 THE CHAIRMAN: All in favor?  
 12 COMMISSION MEMBERS: Aye.  
 13 THE CHAIRMAN: All those opposed?  
 14 COMMISSION MEMBERS: (No response.)  
 15 THE CHAIRMAN: Hearing none, we have  
 16 approved COA-24-31157, 3380 Knight Street, with  
 17 revised conditions.  
 18 And, again, thank you for bringing that  
 19 forward.  
 20 Okay. So we're going to go back to  
 21 previously deferred items to be heard, and we  
 22 have -- we have one, COA-24-30895, 2026 and  
 23 2030 Walnut Street.  
 24 We will open the public hearing and we'll  
 25 hear a staff report.  
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1 MS. FIGUEROA: This report is for  
 2 COA-24-30895, located at both 2026 Walnut  
 3 Street and 2031 Walnut Street.  
 4 This application seeks to install a new  
 5 accessibility ramp along the rear/west  
 6 elevation of a one-story, noncontributing,  
 7 masonry vernacular style structure located at  
 8 2026 Walnut Street.  
 9 Additionally, the applicant seeks to  
 10 repave a secondary walkway along the right and  
 11 rear elevations of a one-story, contributing,  
 12 frame vernacular style structure located at  
 13 2030 Walnut Street.  
 14 As designed, the proposed ramp at 2026  
 15 Walnut Street will be constructed of wood  
 16 decking, handrails, and vertical posts. It  
 17 measures approximately 4 feet tall, 34 feet and  
 18 5 inches long, and 5 feet wide.  
 19 The one-story masonry vernacular-style  
 20 structure is currently used as a bar, and the  
 21 new ramp will connect to and land on property,  
 22 2030 Walnut Street, at the left side, towards  
 23 the rear.  
 24 Regarding the proposed secondary walkway  
 25 at 2030 Walnut Street, the design includes  
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1 removing the existing poured concrete walkway  
 2 and repaving it with new poured concrete in the  
 3 same dimensions. It measures 42 inches wide  
 4 with a flare of 48 inches wide at the existing  
 5 driveway. And the walkway connects to the  
 6 rear/right property line of the property, 2026  
 7 Walnut Street.  
 8 The one-story, frame vernacular style  
 9 structure at 2030 Walnut Street was originally  
 10 constructed as a single-family home and it will  
 11 be used as a restaurant.  
 12 Pursuant to the authorities granted in the  
 13 2024 COA matrix, accessibility ramps on  
 14 nonresidential structures and secondary  
 15 walkways that are wider than 3 feet must be  
 16 reviewed and approved by the Jacksonville  
 17 Historic Preservation Commission.  
 18 For these reasons, staff recommends the  
 19 application for approval.  
 20 THE CHAIRMAN: Are there any questions for  
 21 staff?  
 22 COMMISSION MEMBERS: (No response.)  
 23 THE CHAIRMAN: So we'll hear from the  
 24 applicant.  
 25 (Audience member approaches the podium.)  
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1 THE CHAIRMAN: Please state your name and  
 2 address.  
 3 AUDIENCE MEMBER: Joseph Markusic. I'm  
 4 here for Glory Homes, 2016 Walnut Street, Jax,  
 5 Florida 32206.  
 6 The only comment is --  
 7 THE REPORTER: One moment, please. I have  
 8 to swear you in. If you would raise your right  
 9 hand for me, please.  
 10 MR. MARKUSIC: (Complies.)  
 11 THE REPORTER: Do you affirm that the  
 12 testimony you are about to give will be the  
 13 truth, the whole truth, and nothing but the  
 14 truth?  
 15 MR. MARKUSIC: Yes, I do.  
 16 THE REPORTER: Thank you.  
 17 MR. MARKUSIC: The only thing is there's  
 18 some confusion about the walkway. It's  
 19 existing, it's pavement, and it's stained.  
 20 Other than that, everything's fine.  
 21 THE CHAIRMAN: All right.  
 22 MR. MARKUSIC: Thank you.  
 23 THE CHAIRMAN: Thank you.  
 24 Is there anyone else here -- if we need to  
 25 have you to come back up, we'll ask you to, but  
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1 thank you.

2 Is there anyone else here who wishes to

3 speak to this in the audience?

4 AUDIENCE MEMBERS: (No response.)

5 THE CHAIRMAN: All right. So we'll close

6 the public hearing, and we'll entertain a

7 motion.

8 COMMISSIONER HOFF: I will make a motion

9 to approve COA-24-30895 with conditions.

10 THE CHAIRMAN: I need to hear a second.

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: Hearing no second, it

13 fails.

14 Do I hear another motion?

15 COMMISSIONER EPSTEIN: Motion to approve

16 COA-24-30895 for 2026/2030 Walnut Street,

17 removing Condition 5 that the secondary walkway

18 shall be poured concrete.

19 COMMISSIONER HOFF: I will second for

20 discussion.

21 THE CHAIRMAN: Thank you.

22 So there's a second, so now we can

23 discuss.

24 So this was the -- this was the item that

25 was previously before us where there was

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1 walkway. So if they're not doing anything to

2 the walkway, no hardscaping improvements

3 whatsoever, we have no objection.

4 THE CHAIRMAN: Thank you.

5 Any other discussion?

6 COMMISSION MEMBERS: (No response.)

7 THE CHAIRMAN: And you don't need to come

8 forward because you've walked up a couple of

9 times, but the -- sir, the applicant, this

10 sounds agreeable to you, yes?

11 MR. MARKUSIC: (Nods head.)

12 THE CHAIRMAN: Okay. Let's vote.

13 All those in favor?

14 COMMISSION MEMBERS: Aye.

15 THE CHAIRMAN: All those opposed?

16 COMMISSION MEMBERS: (No response.)

17 THE CHAIRMAN: Let it be known that

18 COA-24-30895 has been approved with the revised

19 conditions.

20 Thank you.

21 All right. On to the COAs for today, we

22 have two. And we'll start with Number 1,

23 COA-24-30766, 1464 Avondale Avenue.

24 We'll open the public hearing and we'll

25 hear a staff report.

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1 confusion about -- or there was a -- there was

2 a -- not confusion, I'm sorry, but there was a

3 difference between a statement, what's existing

4 and what's being proposed, and so there -- the

5 way that I understand it is there's an existing

6 asphalt-paved walkway, and so there's no need

7 to repave it in concrete. And there --

8 The applicant is -- who is here today in

9 person so that we can -- so that we can review

10 it is here today asking for that to be removed,

11 which I think is your -- the basis of your

12 amendment to the conditions?

13 COMMISSIONER EPSTEIN: Yes.

14 THE CHAIRMAN: So just to make sure we're

15 all on the same page, and -- and some

16 discussion about that.

17 COMMISSIONER HOFF: Through the Chair to

18 staff, would that condition change the staff's

19 recommendation at all?

20 MR. WELLS: Through the Chair to

21 Commissioner Hoff, it would not.

22 It's a minor condition. This is a

23 condition that we placed on the application

24 itself because we were under the impression

25 that the applicant was planning to repave the

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1 MR. WELLS: Thank you.

2 So this is application COA-24-30766 for

3 the property located at 1464 Avondale Avenue.

4 The application seeks to conduct wholesale

5 window replacement, particularly 34 windows on

6 a contributing two-story structure within the

7 Riverside Avondale Historic District.

8 This property consists of a two-story,

9 Prairie-style, single-family home that's

10 characterized by a split-level stucco and red

11 brick exterior, a full-width porch, and wood

12 windows. The existing wood window designs

13 include 12-over-1, 9-over-1, 6-over-6, and

14 6-over-1 grid patterns.

15 Once again, as proposed, the applicant is

16 seeking to perform wholesale window replacement

17 on all 34 wood windows with a Marvin wood

18 product that includes a 6-over-1 design.

19 The application -- well, the subject

20 property actually was granted approval back in

21 2003 for the first floor -- for first floor

22 window replacement; however, that COA has

23 expired, but the windows were removed on the

24 first floor, so we did deem those windows as

25 nonoriginal.

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1 Just a little context here: We did work  
 2 with the applicant extensively. We conducted  
 3 two site visits, one on June 12th and one on  
 4 August 14th, to just look at the window  
 5 conditions and just to come to some type of  
 6 reasonable compromise.  
 7 The second floor windows -- minus one  
 8 window on this may need to be corrected on the  
 9 record later, but we did -- the majority of the  
 10 windows on the second floor do not appear to  
 11 show signs of severe deterioration or  
 12 irreparability.  
 13 We did note a few missing and broken  
 14 pulleys, some paint peeling, som exterior  
 15 mullion rot on the sunroom. The applicant also  
 16 stated that they have attempted repairs, which  
 17 included caulking and repainting the windows.  
 18 And the previous owner before them repaired all  
 19 the windows as well.  
 20 The applicant did provide staff with a  
 21 letter from Austin Historical, which is a  
 22 window restoration company. That is included  
 23 within the book package itself. And as you  
 24 will see, the letter documented evidence of  
 25 wood rot, failing paint, broken or missing sash

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1 cords, some missing hardware, poorly aligned  
 2 and ill-fitting sashes, and several  
 3 inconsistencies and irregularities throughout  
 4 the home. However, staff did -- does note that  
 5 that letter does not opine whether or not the  
 6 windows are beyond reasonable repair.  
 7 So we -- again, we did our own analysis,  
 8 and we did find that the windows are not beyond  
 9 reasonable repair. We didn't find them to be  
 10 substantially deteriorated. Our position is  
 11 that the windows shall be repaired and  
 12 preserved. But, of course, the first floor  
 13 windows we don't have an objection to replacing  
 14 because they have been replaced already back in  
 15 2003.  
 16 So we forward a recommendation for  
 17 approval with the conditions noted in the  
 18 report.  
 19 THE CHAIRMAN: Thank you, Arimus.  
 20 Do we have any questions for staff?  
 21 COMMISSION MEMBERS: (No response.)  
 22 THE CHAIRMAN: Hearing no questions for  
 23 staff, is the applicant here?  
 24 MS. FETNER: (Indicating.)  
 25 THE CHAIRMAN: Please come forward.

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1 (Ms. Fetner approaches the podium.)  
 2 THE CHAIRMAN: State your name and address  
 3 and she'll swear you in.  
 4 MS. FETNER: Hi.  
 5 Sondra Fetner, 1464 Avondale Avenue.  
 6 (Discussion held off the record.)  
 7 THE REPORTER: If you would raise your  
 8 right hand for me, please.  
 9 MS. FETNER: (Complies.)  
 10 THE REPORTER: Do you affirm that the  
 11 testimony you are about to give will be the  
 12 truth, the whole truth, and nothing but the  
 13 truth?  
 14 MS. FETNER: Yes.  
 15 THE REPORTER: Thank you.  
 16 MS. FETNER: Before you start my time,  
 17 where do I plug this in?  
 18 MR. WELLS: Through the Chair to the  
 19 applicant, to be honest with you, this is a new  
 20 room, recent renovations, I'm not even sure if  
 21 we have the capability to plug into the  
 22 display. So if you have the means to email it  
 23 to me, I can try to pull it up, but I don't  
 24 think that --  
 25 MS. FETNER: Do you have a computer that

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1 you could take a thumb drive? I also have an  
 2 adaptor if you need it. I also have a printout  
 3 of the presentation if that doesn't work. You  
 4 could do the PDF one.  
 5 MR. WELLS: (Inaudible.)  
 6 MS. FETNER: Great. Thank you.  
 7 So good afternoon.  
 8 I just want to let you know, I do not take  
 9 this hearing lightly. I was once a staff  
 10 attorney for the City of Jacksonville as well  
 11 as for this commission, the Planning  
 12 Department, and I truly understand how  
 13 difficult these window replacement hearings can  
 14 be.  
 15 And for what it's worth, as Arimus stated,  
 16 we did try to reach a compromise on this. I  
 17 always try to get my application through  
 18 administrative approval or through the consent  
 19 agenda because I really don't like coming here.  
 20 I -- again, I understand how challenging --  
 21 this position that you're in.  
 22 And I have my husband, Michael Fetner,  
 23 here, who can also answer questions. And if I  
 24 go over my time, he could fill in for me as  
 25 well, so --

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1 But I'll try to keep it short and to the  
2 point, but my family and I, we love our home.  
3 It's our forever home. We love our historic  
4 district. I am now serving my second term on  
5 the RAP board, so I really understand the  
6 importance of preserving the unique and  
7 historic character of our neighborhood.

8 We have spent a significant amount of  
9 money on our home, making it perfect for our  
10 family of five. In fact, we just completed a  
11 substantial renovation, which you can see here,  
12 and it was approved by consent by this  
13 commission in 2021.

14 We also encouraged my brother and  
15 sister-in-law to purchase the house right next  
16 door to us so that all the seven cousins can  
17 grow up together in what we lovingly refer to  
18 as the "Fetner Compound."

19 So long story short, we are in this for  
20 the long haul and we view everything we do to  
21 this house as a quality of life investment  
22 rather than a financial investment.

23 I really think that my application should  
24 be an anomaly for the district, and I still am  
25 having trouble understanding why staff has not

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1 ad- -- looking at whether or not the second  
2 floor windows are historic, and that is what  
3 the letter was.

4 The letter wasn't to discuss the  
5 repairability of the windows, but, rather, to  
6 explain why she thought the windows were not  
7 historic. She was the one who came when I  
8 asked for a quote to restore the windows, and  
9 she quickly noticed the things that someone in  
10 her field noticed, the hodgepodge, divided  
11 lites, the thickness of the muntins.

12 And can you click through -- I'm sorry --  
13 my presentation? Thank you.

14 The thickness of the muntins compared to  
15 our next-door neighbors, and -- as well as many  
16 of the houses on the same block.

17 And so one thing that I felt was missing  
18 from the staff report, which was something that  
19 I was asking for and why I deferred it the last  
20 time, was for staff to make a determination as  
21 to whether or not they believe the second floor  
22 windows were original to the house.

23 (Timer notification.)

24 MS. FETNER: Can you switch it? I don't  
25 think it started when I started.

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1 Okay. Thank you.

2 Only original historic windows are  
3 required to be retained when economically  
4 feasible. To require residents to repair  
5 nonhistoric windows with subpar materials  
6 would --

7 (Timer notification.)

8 MS. FETNER: Do you want to stop that?

9 THE CHAIRMAN: How do we make it stop?

10 MS. FETNER: I don't think you --

11 THE CHAIRMAN: I'm sorry. Please stop the  
12 timer. We'll let you go.

13 MS. FETNER: Yeah, I don't think it  
14 started when I was able to start.

15 Okay. Sorry.

16 Basically, you need to look at whether or  
17 not the windows are original before you move  
18 forward to whether you can replace them, and I  
19 felt like staff did not do that.

20 Can you switch to the next slide, please?

21 The repairability quote was that it would  
22 cost 33,000 to repair the second story windows,  
23 and that's to make them look as good as  
24 possible since we are allowed to replace the  
25 first floor windows which were already

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1 replaced.

2 I think -- you know, I'm here challenging  
3 staff's recommendation because the -- there's  
4 two reasons:

5 One, I think making me invest money to  
6 repair windows that are not historic is futile  
7 because we're just going to be back replacing  
8 that -- repairing them over and over again  
9 because it's not the same quality of wood and  
10 craftsmanship.

11 And, second, it's really impractical to  
12 have us replace the 21 windows, which is  
13 63 percent, and make us preserve the 11 windows  
14 upstairs. We're not going to be able to match  
15 the windows aesthetically or preserve the  
16 character of the house.

17 Can you go back to pictures of my windows  
18 in my house, please?

19 Back. One more. Yeah.

20 Here, you could see that there's windows  
21 that are squares, there's some that are  
22 rectangles. And the pictures in the staff  
23 report, you can see there's block glass  
24 windows, there's casement windows.

25 I don't believe that the previous owners

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1 of this house, the 90 years before we purchased  
2 the house, filed permits and COAs for  
3 everything. It's very clear that things were  
4 done back then in the Wild Wild West.

5 So I would just urge you to look at the  
6 facts when you're making your decision. You  
7 know, we have a house with a history of not  
8 getting permits and COAs prior to us and prior  
9 to the prior owners.

10 There's visual evidence showing that the  
11 window designs and materials are  
12 distinguishable from our neighbors, including  
13 those very wide muntins and lack of leaded  
14 glass.

15 There's a letter from an expert who's in  
16 the business of repairing windows and would  
17 probably benefit from telling me I could repair  
18 my windows rather than telling me that they  
19 don't look like they're original.

20 And that the staff recommendation that  
21 calls for replacement of the 63 percent of the  
22 windows -- those are the most proximate to the  
23 ground level. Those are the -- the replaced  
24 windows are on the first floor, so we're going  
25 to have a hodgepodge.

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1 applicant?

2 COMMISSION MEMBERS: (No response.)

3 THE CHAIRMAN: No questions?

4 So just to summarize the -- and when you  
5 were referring to "she," who was "she"?

6 MS. FETNER: The Austin Historical --

7 THE CHAIRMAN: Okay. So the consultant?

8 MS. FETNER: The consultant, yes.

9 THE CHAIRMAN: So we should -- the sort of  
10 four big points that I heard were, considering  
11 this is more of an anomaly because of the --  
12 and no offense taken, but alleged hodgepodge of  
13 the windows.

14 You're challenging also because you don't  
15 feel staff really evaluated whether the  
16 existing windows are historic or not historic  
17 or you don't see the evidence of that.

18 Three, you're questioning the 50 percent  
19 rule because 63 percent is really where you're  
20 at, right?

21 MS. FETNER: Yes.

22 THE CHAIRMAN: And then the fourth thing  
23 is you just don't believe these are original  
24 windows, and that's part of the -- that's part  
25 of your argument about why you should be able

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1 Can you just skip two slides, please? I  
2 just want to bring this up.

3 So here you have the design guidelines.

4 One more, please.

5 These are -- the design guidelines are  
6 still controlling. Even if you changed your  
7 COA matrix a couple of years ago to remove the  
8 50 percent rule, you do not change the design  
9 guidelines. These are controlling. These are  
10 in the statute.

11 And in the design guidelines, on Page 65,  
12 which was not mentioned in your staff report --  
13 however, other parts of these design guidelines  
14 were mentioned and relied upon -- it says, "If  
15 50 percent or more of the windows are  
16 deteriorated or missing, then wholesale  
17 replacement of windows is allowable."

18 So you're still allowed to do that even  
19 though it's not in the COA matrix. So I just  
20 want you to remember that. You have that  
21 power.

22 And I'm here for any questions, as is my  
23 husband, so thank you.

24 THE CHAIRMAN: Please wait. Please wait.

25 Do you have any questions for the

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1 to replace them?

2 MS. FETNER: Yes. I believe they are not  
3 historic. And even if you believe that they  
4 are historic, you're still allowed to do a  
5 wholesale replacement based on the guidelines.

6 THE CHAIRMAN: Okay. So those are really  
7 the four big things, right?

8 MS. FETNER: I think so.

9 THE CHAIRMAN: Okay. Thank you.

10 MS. FETNER: Thank you.

11 THE CHAIRMAN: We'll call you back up if  
12 we need you.

13 Is there anyone else here to speak towards  
14 this COA?

15 MS. PRYOR: (Indicating.)

16 THE CHAIRMAN: Yes.

17 (Ms. Pryor approaches the podium.)

18 THE CHAIRMAN: State your name and address  
19 and she'll swear you in.

20 MS. PRYOR: Kim Pryor, 245 West 5th  
21 Street.

22 THE REPORTER: If you would raise your  
23 right hand for me, please.

24 MS. PRYOR: (Complies.)

25 THE REPORTER: Do you affirm that the

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1 testimony you are about to give will be the  
 2 truth, the whole truth, and nothing but the  
 3 truth?  
 4 MS. PRYOR: I do.  
 5 THE REPORTER: Thank you.  
 6 MS. PRYOR: So I -- I went through the  
 7 report, and it's -- I've seen the photographs  
 8 that were submitted, and it's -- I find it a  
 9 little odd that it -- the newer windows are the  
 10 ones that seem to be convincing, if you will,  
 11 whereas the -- the ones that are older are not.  
 12 But some of the photos show wood rot and  
 13 so forth, and all of that can be repaired. And  
 14 I would urge you to have these windows  
 15 repaired. Now, I understand that the  
 16 recommendation from staff is to allow  
 17 replacement of the downstairs windows and to  
 18 repair the upstairs windows, so --  
 19 My concern here is that -- I went through  
 20 and reviewed the Marvin replacements --  
 21 documents that were submitted, and on every  
 22 single one of those replacement windows in the  
 23 detail, those windows will be installed using  
 24 nailing fins, and I know that is not allowed.  
 25 Also, I have a concern that the window

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1 survey that was submitted by the applicant  
 2 intends to change all windows to 6-over-1  
 3 instead of the 12- and the 9-over-1 that are  
 4 there now.  
 5 I also just wanted to quickly address --  
 6 because, you know, I -- I am familiar with  
 7 window restoration, and I heard the applicant  
 8 say that they had attempted to repair these in  
 9 the past with caulk and paint, and I just want  
 10 to go on record to say that caulk is absolutely  
 11 not an appropriate way to repair historic  
 12 windows. Caulking them instead of glazing, it  
 13 is -- is detrimental to the sash itself.  
 14 So I would urge this body to take a look  
 15 at the window survey that was submitted and  
 16 also look at the individual quote that was  
 17 given.  
 18 And just one other thing -- and the  
 19 individual quote, if you pull that up and look  
 20 at it, every single window states "nailing  
 21 fins."  
 22 Also, I want to point out, I believe --  
 23 and I may have misheard, but I believe the  
 24 quote was 30-something-thousand to replace --  
 25 to -- to restore some- -- but the dollar figure

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1 was different from what was here. This quote  
 2 given was 30-something-thousand.  
 3 (Timer notification.)  
 4 MS. PRYOR: It does not include  
 5 installation. That's just the material.  
 6 Thank you.  
 7 THE CHAIRMAN: Thank you.  
 8 Is there anyone else here to speak to this  
 9 COA today?  
 10 AUDIENCE MEMBERS: (No response.)  
 11 THE CHAIRMAN: Would you like to rebut?  
 12 MS. FETNER: Yes.  
 13 (Ms. Fetner approaches the podium.)  
 14 MS. FETNER: Thank you for raising those  
 15 very important questions.  
 16 I had told staff that we were willing to  
 17 do the divided lite to match the existing  
 18 windows.  
 19 Arimus, would you confirm that, please?  
 20 MR. WELLS: Through the Chair to the  
 21 Commission, that is correct. The applicant  
 22 has supported that.  
 23 MS. FETNER: Thank you.  
 24 And the 33,000 I quoted was the  
 25 calculation from Austin Historical, and

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1 calculated it by 11 windows, so I divided it,  
 2 because each window was the same price.  
 3 With respect to the fins and being  
 4 installed, I would install them as this  
 5 commission sees fit. I don't work for Marvin;  
 6 I just told them what I needed. And they were  
 7 the company that installed our windows on our  
 8 addition.  
 9 So I think that answers all of her  
 10 questions.  
 11 Oh, with respect to the painting, glazing,  
 12 again, I'm not a window repair person. We just  
 13 tried to keep up with the windows the best we  
 14 can.  
 15 And I would urge you not to require me to  
 16 repair windows that were installed in 2003.  
 17 They're already deteriorating. One window has  
 18 a hole right through the middle of the sash  
 19 that my kids really enjoy sticking their  
 20 fingers through, which I am totally grossed out  
 21 about, so --  
 22 Again, I can see the value and I  
 23 appreciate the value of preserving and  
 24 repairing historic windows; however, these are  
 25 not historic.

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1 Thank you.  
 2 THE CHAIRMAN: Thank you.  
 3 Anyone else?  
 4 AUDIENCE MEMBERS: (No response.)  
 5 THE CHAIRMAN: I'm going to close the  
 6 public hearing, and I'll entertain a motion.  
 7 And, remember, a motion leads us to  
 8 discussion.  
 9 COMMISSIONER EPSTEIN: Motion to approve  
 10 COA-24-30766.  
 11 MS. LOPERA: Through the Chair to  
 12 Commissioner Epstein, with any staff  
 13 conditions, all of them, et cetera?  
 14 COMMISSIONER EPSTEIN: I'd like to have a  
 15 discussion.  
 16 MS. LOPERA: So is that any staff  
 17 conditions or --  
 18 COMMISSIONER EPSTEIN: The staff  
 19 conditions as written right now.  
 20 MS. LOPERA: Thank you.  
 21 COMMISSIONER EPSTEIN: Yeah, all of them.  
 22 COMMISSIONER HOFF: I will second that.  
 23 And also I had an ex parte conversation  
 24 with the applicant a couple of months ago. She  
 25 shared what they wanted to do.  
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1 Commissioner Hoff, it is our understanding that  
 2 the windows were replaced in 2003, upon  
 3 approval of the previous COA by the Commission.  
 4 COMMISSIONER EPSTEIN: Through the Chair,  
 5 I was just, again, looking at the picture of  
 6 the window, which is a second floor window on  
 7 291. And just looking at that, it looks to me  
 8 like it's been rebuilt. It's not an original  
 9 window, and it's --  
 10 Again, I'm not sure if this is for every  
 11 window on the second floor, just this one here  
 12 I can see very well is -- it does not look like  
 13 a historical window from the time period. It  
 14 looks like somebody rebuilt it very poorly.  
 15 That's -- that, again, is from my own  
 16 experience.  
 17 THE CHAIRMAN: Thank you.  
 18 Question for staff. The comments -- the  
 19 applicant's comments about questioning the  
 20 evaluation -- staff evaluation of the existing  
 21 windows as to whether they are historic or not,  
 22 and then the -- the comment about the  
 23 percentage, the 50 percent rule, could you talk  
 24 about that just a little bit more for me?  
 25 Like, I -- in the first part -- maybe it's  
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1 THE CHAIRMAN: So the second opens us up  
 2 to discussion.  
 3 COMMISSIONER EPSTEIN: Through the Chair,  
 4 I'm looking at Page 291 of 355. That is a  
 5 second story double-hung window, and I -- it's  
 6 hard for me as an architect to believe that  
 7 that was the -- that that's the original window  
 8 from when this house was built is what I'm  
 9 saying from my experience.  
 10 I don't know -- I know there's questions  
 11 of what remains historic when it's been in a  
 12 building for a certain amount of time, but  
 13 looking at this, the small rail, the size of  
 14 the muntins, just how this has been put in  
 15 here, it leads me to question if this is a --  
 16 if this is an original window to the house,  
 17 just from my own experience.  
 18 And I'm not sure that every window on the  
 19 second floor looks like this. I was trying to  
 20 look through the pictures. They all have a  
 21 very small rail, which is suspicious.  
 22 COMMISSIONER HOFF: Through the Chair to  
 23 staff, what year do we think that the first  
 24 floor windows were replaced?  
 25 MR. WELLS: Through the Chair to  
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1 in two separate sections, but the first part is  
 2 about -- is there -- isn't there -- or what  
 3 process do you use to determine whether the  
 4 existing windows are, in fact, historic windows  
 5 or not? And is there some criteria that you  
 6 use?  
 7 And I'm asking this question -- I share  
 8 Commissioner Epstein's suspicion about that one  
 9 photograph we're looking at.  
 10 MR. WELLS: Through the Chair to the  
 11 Commission -- to the Commission and all -- what  
 12 I put up on the screen is just a copy of the  
 13 applicant's PowerPoint, but, of course, the --  
 14 the design guidelines here.  
 15 So the language highlighted in there  
 16 discusses how the 50 percent or more are  
 17 deteriorated or missing. So that's the two key  
 18 words, if there is deterioration -- which we  
 19 didn't have evidence to substantiate  
 20 deterioration, nor the windows missing. It  
 21 states that wholesale of windows is allowable.  
 22 The second component to that is that if  
 23 it's -- it's allowable but doesn't mean  
 24 necessarily that it's permitted, and they have  
 25 to do it -- they're able to do it by right.  
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1 So that's really up to the discretion of  
2 the Commission.

3 So when we're looking at windows and  
4 determining whether or not they're historic or  
5 original, we're looking at the seven additional  
6 criteria below the highlighted portion, so  
7 we're evaluating the trim detail, we're looking  
8 at the shape of the frame, the sash, the reveal  
9 components, muntin/mullion profiles and  
10 configurations.

11 So as the applicant has already attested,  
12 yes, there were some questionable rail --  
13 railing widths and muntin sizes that varied,  
14 but ultimately we were unable to come up with a  
15 determination to opine on the record that these  
16 were nonoriginal windows.

17 THE CHAIRMAN: Well, Commissioners, I  
18 think maybe a bit more discussion, but it's  
19 clear that the -- it's our -- we are tasked  
20 with making a decision about whether these are  
21 indeed historic windows that need to be  
22 repaired or whether they can be replaced as  
23 being requested.

24 COMMISSIONER EPSTEIN: Through the Chair,  
25 I think, looking at that one image, I can make  
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1 an opinion on that myself. It kind of comes  
2 down to the fact that I wish that there were  
3 images of all of the other second floor windows  
4 to determine if it was in its entirety -- these  
5 windows being this sort of -- they kind of look  
6 like Frankenstein windows to me; like, kind of  
7 rebuilt at some point, poorly. I would love to  
8 see something like that.

9 THE CHAIRMAN: Oh, I'm so sorry, yes,  
10 would you like to speak?

11 MS. FETNER: I was going to tell you, I  
12 think they're in the staff report, in the book,  
13 all of the elevations of the windows.

14 And also, I just want -- can I have a  
15 moment about the word "missing"?

16 Clearly, that can't mean that windows are  
17 not actually there because then it wouldn't be  
18 a question if you should have windows or not.  
19 That would be against the code -- the building  
20 code to not have windows. So the word  
21 "missing" is related to the historic windows,  
22 the original windows, are the original windows  
23 missing, not are there no windows.

24 So I just want to make sure that that's  
25 understood.

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1 Thank you.

2 THE CHAIRMAN: Agreed. That's a -- we  
3 should have stated that, but I think "missing"  
4 here also pertains to the fact that a -- it's  
5 being proposed that a newer window has been put  
6 in the place of an existing, historic window.

7 And so the historic window is missing  
8 because there's a newer window in the opening,  
9 right?

10 COMMISSIONER HOFF: Through the Chair, my  
11 thoughts are really -- just come down to, are  
12 the windows original or not? So that's -- that  
13 is the issue that I'm pondering.

14 THE CHAIRMAN: And just to -- thank you,  
15 Commissioner Hoff.

16 Just to also speak to the criteria  
17 again -- question for staff. You are tasked  
18 with looking at the evidence before you in  
19 regards to the design guidelines in making  
20 these kinds of determinations.

21 It doesn't necessarily mean that we, as  
22 commissioners, have to accept that or we may  
23 have a different opinion about it, and that's  
24 the -- that's the point of this -- this voting,  
25 yes?

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1 MR. WELLS: Through the Chair, that's  
2 correct.

3 THE CHAIRMAN: And so I -- I just bring  
4 that to the commissioners' attention because  
5 this is part of our evaluation here, is, you  
6 know, what do we -- what do we choose to  
7 accept, because this is a bit of a gray area in  
8 that -- and, you know, there's not  
9 compelling -- there isn't necessarily  
10 compelling evidence in either direction, and so  
11 we must make a decision on it.

12 The other thing I would ask you to  
13 consider is also the comment made about the  
14 Marvin windows having the fins and then the  
15 applicant rebutting and saying that the  
16 windows, if approved, would be installed  
17 according to staff recommendations.

18 But I would also say that this particular  
19 window -- Marvin has two lines of windows.  
20 They have the Elevate window and they have the  
21 Ultimate window. And the Elevate window is  
22 actually like a -- the Marvin Ultimate is a  
23 wood window that's aluminum clad. The Elevate  
24 window is a Fiberglass window that's wood clad  
25 on the interior, and it's a bit -- the Elevate

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1 is a bit closer to the facade of the building.  
 2 The Ultimate punches back a little bit away  
 3 from the facade.  
 4 Now, I know that the Ultimate is a little  
 5 more -- is more expensive than the Elevate.  
 6 Both have great warranties. But I think that's  
 7 to be considered too because Elevate is what's  
 8 being presented here, which is a little more to  
 9 the front of the plane of the exterior, and we  
 10 tend to move in a direction of wanting it to be  
 11 pushed back.  
 12 COMMISSIONER EPSTEIN: Through the Chair,  
 13 the architect in me would love for our window  
 14 replacements to have details of how the window  
 15 is going to be inset in the wall -- to the  
 16 staff. Sorry.  
 17 COMMISSIONER MORGAN: Through the Chair to  
 18 Commissioner Epstein, I would agree with that.  
 19 And I think the -- you know, it might be  
 20 that it's two separate exercises, whether, you  
 21 know, we're voting here to replace them all,  
 22 but I think either way that these replacements  
 23 would need to have additional information in  
 24 order to be approved; installation; and  
 25 additionally, with the point that the audience  
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1 that same style/materiality.  
 2 THE CHAIRMAN: And if I may, Commissioner  
 3 Morgan, it sounds like what you're alluding to  
 4 or referencing is typically part of -- at least  
 5 maybe the national design guideline level that  
 6 the -- any additions are seen as supplemental  
 7 to the primary structure and not in competition  
 8 with it so that we are -- we're always trying  
 9 to maintain a -- being able to see a difference  
 10 between the existing structure and the proposed  
 11 addition and material and those kinds of  
 12 things; like, in this case, the stucco skin  
 13 versus the brick of the -- of the home is a  
 14 primary skin.  
 15 COMMISSIONER MORGAN: Yeah.  
 16 THE CHAIRMAN: Well, we're -- I can see  
 17 that there's thinking going on, but I do think  
 18 we either need to get some more things on the  
 19 table in terms of the discussion or -- or move  
 20 forward.  
 21 Yes, there is a motion on the table.  
 22 COMMISSIONER HOFF: Through the Chair to  
 23 staff, could you remind us what the motion is  
 24 at this time?  
 25 MS. LOPERA: Through the Chair to  
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1 made; and then some of the materials being used  
 2 on here as well.  
 3 Through the Chair to the staff, is it  
 4 possible to look at the addition photo again  
 5 that was located on the presentation?  
 6 MR. WELLS: (Inaudible.)  
 7 COMMISSIONER MORGAN: Through the Chair to  
 8 the Commission, in just reviewing this, it,  
 9 obviously -- I'm thinking the intent is to  
 10 match what's on the addition has a much more  
 11 modern look than what's existing on the house.  
 12 I just think that that needs to be assessed  
 13 almost separately, and if they're going to be  
 14 replaced or not.  
 15 MR. WELLS: Through the Chair to the  
 16 Commission, just to clarify, the windows on the  
 17 new construction addition, they're not being  
 18 replaced. So I just -- just want to make that  
 19 abundantly clear.  
 20 COMMISSIONER MORGAN: Yes. Through the  
 21 Chair to the staff, I guess what I'm looking at  
 22 here is really the configuration and all of it,  
 23 and with the bronze exterior, and I'm just  
 24 wondering how that would play into the overall  
 25 look of the house if they were replaced with  
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1 Commissioner Hoff, the motion was to approve  
 2 with all staff conditions.  
 3 COMMISSIONER HOFF: Through the Chair to  
 4 Commissioner Epstein, you, I believe, are one  
 5 of the people on this commission that is more  
 6 familiar with the differences between original  
 7 windows and windows that have been rebuilt. I  
 8 would trust your judgment more than mine on  
 9 that. Could you expound on your thoughts on  
 10 what you think?  
 11 COMMISSIONER EPSTEIN: Sure. Yes, I can.  
 12 Through the Chair -- and again, I'm  
 13 looking at just the -- there is one picture,  
 14 which is 291 of 355, page, in our book. And it  
 15 is a close-up of a second story window. It is  
 16 double-hung. You can tell because it's in  
 17 action.  
 18 I am looking at the muntins, the widths of  
 19 those, the lack of any kind of detailing on  
 20 them that -- how -- you can kind of zoom in and  
 21 even see the joining of the wood individually,  
 22 just kind of abutting all around the rest of  
 23 the sash and rails. It just -- it doesn't  
 24 look, to me, like the craftsmanship that would  
 25 be a historic window of a house of this age.  
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1 And, additionally, the rail at the bottom  
2 of that is pretty minimal sized compared to the  
3 rest of the window.

4 Those are my thoughts.

5 That's just my opinion based off of  
6 looking at historic windows, an architect, just  
7 generally.

8 COMMISSIONER HOFF: Thank you.

9 And are those observations in line or not  
10 in line with the letter provided from Austin  
11 Historical?

12 COMMISSIONER EPSTEIN: Let me read the  
13 letter.

14 They are there with the windows, so they  
15 talk about different types of hardware that's  
16 used in the pulley system. So that's a little  
17 significant. Obviously, we're not here to note  
18 that, but they did include that themselves.

19 But it does talk about details within the  
20 trim, the wood, glass bead, jamb lines. I  
21 mean, it does kind of allude to -- to what I'm  
22 saying as far as the profiles and -- and style  
23 and rail and muntins not being consistent with  
24 a detail of a historic window fabrication.

25 COMMISSIONER HOFF: Okay. And one last  
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1 not to sort of move you along faster than we  
2 need to necessarily, but there is the --  
3 there's a motion on the floor to approve with  
4 the conditions of staff, and -- that can either  
5 be voted on -- or it can be amended if you  
6 are -- and it sounds like there is some  
7 suspicion of the originality of some of the  
8 windows in question. So that -- that can  
9 certainly be amended too, but I -- I think we  
10 need to keep moving.

11 So counsel is advising something that I  
12 thought about as well, but I'm worried about  
13 the -- the applicant, and the -- wanting to  
14 move on. I'm not sure if they would entertain  
15 that, but there's --

16 There's a situation here where there's a  
17 disagreement about -- certainly from the  
18 applicant, about the originality of the  
19 existing windows. And staff has to make a  
20 recommendation on the evidence that they have,  
21 and it's not compelling enough for them to  
22 agree with the applicant's assessment of the  
23 situation.

24 So we can vote on the conditional approval  
25 that we have here before us today. We could  
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1 question from me through the Chair to  
2 Mr. Wells. Would you not agree with those  
3 assessments after visiting two times or do you  
4 feel like you just don't have the information  
5 that you need to go that far?

6 MR. WELLS: Through the Chair to  
7 Commissioner Hoff, it's more of the latter.

8 We just don't have enough information. If  
9 anything, the windows acquired historic  
10 significance. But again, we don't have enough  
11 information to warrant the windows as original  
12 or not original.

13 COMMISSIONER EPSTEIN: Through the Chair,  
14 I would go with saying again that -- I'm  
15 looking at that one window image. I cannot --  
16 I cannot see -- I know there's elevations of  
17 the rest of the house and all the windows are  
18 called out, but when I zoom in to look at those  
19 and get more detail that I can use to make some  
20 of these determinations, I cannot do that on  
21 the rest of the elevations. The picture  
22 quality is not good enough. The width of the  
23 muntins is very suspicious, though.

24 THE CHAIRMAN: So there -- I think there  
25 are two -- I'm hearing, anyway, two strategies,  
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1 also ask the applicant if they would be  
2 interested in trying to provide more  
3 substantial information that would give the  
4 assessment of the windows not being historic  
5 since there is some suspicion about it, or you  
6 may be convinced by some of the discussion,  
7 testimony from your fellow commissioners that  
8 the windows are, in fact, not historic, and we  
9 need to amend the -- the approval as such, but  
10 I think we need to -- we need to move forward.

11 COMMISSIONER EPSTEIN: Through the Chair,  
12 I will say, while I am -- I'm able to convince  
13 myself of the one window, I would feel more  
14 comfortable doing a wholesale discussion with  
15 more photographs of the rest of the windows on  
16 the second floor.

17 THE CHAIRMAN: Would the applicant please  
18 come forward just to discuss this a little bit?

19 (Ms. Fetner approaches the podium.)

20 THE CHAIRMAN: So you -- I had my own  
21 three scenarios there. Are you amenable to  
22 maybe doing some more research to -- to  
23 determine --

24 MS. FETNER: You know, I want -- I really  
25 want to say I am, but I've asked staff over  
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1 nine months to come and look at our windows to  
2 make this decision and to make an opinion. I  
3 was told, Why don't you get Austin Histor- --  
4 Hysteri- -- I keep saying Austin Hysterical --  
5 Austin Historical to come out and give an  
6 opinion. The woman -- the planner could not,  
7 you know, take a time -- take a, you know, time  
8 travel and decide and give a full opinion of  
9 whether or not they're original, but she gave,  
10 with her best advice and her best educated  
11 guesses, that these were not original.

12 Secondly, that window that Commissioner  
13 Epstein is referring to is on the front facade.  
14 So now we're looking at nonoriginal -- three  
15 out of the four front facade windows not being  
16 original and being able to be replaced.

17 So I just think that I've been really  
18 willing to get this -- you know, to work with  
19 staff on this, asking them over and over again  
20 to please just make an opinion, tell me what  
21 you need. I even offered for them to cut into  
22 the window to test the wood.

23 So I've done everything I could possibly  
24 do to get an answer. And, honestly, I've been  
25 through a massive renovation in my house. I

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1 just want to be done. And if I have to take  
2 this to City Council, I will. That's how I  
3 feel about this.

4 Also, you have the ability to still say,  
5 you know what, we're not sure if these are  
6 historic, but since we are allowing -- since  
7 staff is recommending 63 percent of the windows  
8 on mixed elevations to be replaced, you're  
9 allowed to do that. And that's what the  
10 guidelines are letting you do. So you're --  
11 you still have that ability. I don't want you  
12 to forget that.

13 So having to repair -- being able to  
14 replace the bottom floor and not the top floor  
15 is going to make a very odd look on our  
16 windows. And we're not trying to look more  
17 modern or anything like that. We're trying to  
18 keep with the double-hung, same divided lite  
19 pattern. We just really want our house to look  
20 amazing. That's it. We're not in it for  
21 anything else.

22 But honestly, I've gone through this for  
23 nine months. I'm not willing to do another  
24 deferral, so --

25 Another option you could do is you could

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1 bifurcate it. I don't know. I've just -- I  
2 held back on everything I wanted to say in my  
3 opening, and I've done everything I can to make  
4 it available to staff to make their opinion.

5 And, honestly, it's a hard decision to  
6 make, so I do not envy you.

7 Thank you.

8 THE CHAIRMAN: So -- thank you.

9 So we heard from the applicant that this  
10 needs resolution, so, to me, says that we have  
11 to -- or that the applicant would prefer a  
12 resolution. That sets the tone.

13 COMMISSIONER EPSTEIN: Through the Chair,  
14 can you just leave that picture up you just had  
15 up? I'm sorry, these pictures weren't part of  
16 our packet.

17 These are the second story windows, and  
18 the width of these muntins is not -- you can  
19 even see in the last image -- you can see the  
20 muntins across the house, across -- and you  
21 can -- I just -- in my own architectural  
22 opinion -- if you could go -- it was 6000,  
23 IMG 6000. I think it's a really good example.  
24 6000. Right there.

25 You can see the historic windows, and

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1 those are -- those are what historic windows  
2 look like, beyond, on that house. And the  
3 muntins are extremely thin compared to these  
4 wide ones that are on this. And that, to me --

5 And this is another window (indicating).  
6 We did not have these as part of our packet.

7 But looking at these, the width on these  
8 muntins is very suspicious that it would be a  
9 historic window.

10 THE CHAIRMAN: You can also -- you can  
11 also see in the top rail of the bottom sash, it  
12 doesn't have any detail on it like the -- like  
13 the stiles do in the modern rail.

14 COMMISSIONER EPSTEIN: Yeah, I agree with  
15 that.

16 THE CHAIRMAN: It's clearly not original  
17 either.

18 But, again, we have a motion on the floor  
19 to approve with the conditions given or we can  
20 entertain an amendment to what's been approved.

21 COMMISSIONER HOFF: Through the Chair to  
22 the Commission, so I am comfortable saying that  
23 it's more likely than not that the top floor  
24 windows are not original based on the comments  
25 we just heard; and the letter from Austin

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1 Historical, whose motivations would not  
 2 financially benefit from the windows being  
 3 replaced rather than repaired, so I'm -- I am  
 4 going to -- I guess through the Chair, make a  
 5 motion to amend the motion on the floor to  
 6 approve the COA with the existing conditions,  
 7 except to allow replacement of the second floor  
 8 windows as well.  
 9 And I know there were comments about the  
 10 installation methods. I don't know if it -- I  
 11 don't know if a condition should be added about  
 12 that, and I would look towards staff's input on  
 13 that.  
 14 COMMISSIONER EPSTEIN: Through the Chair,  
 15 there's already a condition that says "all  
 16 windows shall be installed in accordance with  
 17 the latest version of the HPS window  
 18 supplement."  
 19 MS. LOPERA: Through the Chair to  
 20 Commissioner Hoff, I heard your motion; it was  
 21 not seconded, but I wanted to clarify real  
 22 quick.  
 23 If you could address Conditions 1 and 2,  
 24 which I believe -- those are definitely  
 25 affected by your motion, and any others that  
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1 be a number over 1 would be my suggestion; like  
 2 6-over-1 or 9-over-1.  
 3 COMMISSIONER HOFF: And through the Chair  
 4 to staff, you mentioned that there would need  
 5 to be a change to Condition Number 2; is that  
 6 correct, or did I not hear you?  
 7 MR. WELLS: Through the Chair to  
 8 Commissioner Hoff, if anything, you just need  
 9 to strike Condition Number 2 because no windows  
 10 are being repaired.  
 11 COMMISSIONER HOFF: All right. So the  
 12 conditions that would need to be potentially  
 13 amended would be 1 and 4, to address the first  
 14 and second story?  
 15 MS. LOPERA: Could I put you in the  
 16 correct posture?  
 17 THE CHAIRMAN: Yes.  
 18 MS. LOPERA: Through the Chair to the  
 19 Commission, so Mr. Hoff did make a motion to  
 20 approve with replacement of all windows. I'm  
 21 going to say that died for a lack of a second.  
 22 So if we could start over -- the motion on  
 23 the floor is to approve with staff conditions.  
 24 So if you want to amend that -- if anyone wants  
 25 to amend that, that would be great, and cite  
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1 you want to specifically address, and then  
 2 offer that up for a potential second.  
 3 COMMISSIONER HOFF: Let me look at those.  
 4 MR. WELLS: Through the Chair to the  
 5 Commission, I just want to add, Condition  
 6 Number 4 on there, it does allude to the first  
 7 floor windows only shall fit the original  
 8 openings, so you just need to strike "first  
 9 floor."  
 10 COMMISSIONER EPSTEIN: Through the Chair  
 11 to staff, so we need to pick a lite pattern for  
 12 Condition 1; is that --  
 13 MR. WELLS: Through the Chair to  
 14 Commissioner Epstein, you do -- my  
 15 recommendation would be to state something  
 16 along the lines of "the historic grid pattern  
 17 shall be replicated."  
 18 THE CHAIRMAN: Okay. If I may, I think  
 19 that some of the discussion was about the  
 20 difference between the addition, the secondary  
 21 structure, and maintaining a difference between  
 22 it and the primary structure.  
 23 And I think the clear difference would be  
 24 the windows on the addition are, like, fully  
 25 gridded. So I think whatever it is, it should  
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1 specifically which conditions you want amended  
 2 or stricken. That would be very helpful.  
 3 COMMISSIONER HOFF: Okay. Let me try this  
 4 again.  
 5 I will make a motion to amend, including  
 6 changing the first condition to be 9-over-1  
 7 specifically.  
 8 Also, striking the second condition  
 9 entirely.  
 10 And changing Condition Number 4 to add the  
 11 second floor windows as well.  
 12 COMMISSIONER EPSTEIN: Second.  
 13 THE CHAIRMAN: Any discussion of this?  
 14 COMMISSION MEMBERS: (No response.)  
 15 MS. LOPERA: Through the Chair to the  
 16 Commission, I just want to clarify, you are  
 17 intending that the lite pattern be 9-over-1 for  
 18 all windows, first floor, second floor? All  
 19 window replacements are 9-over-1?  
 20 COMMISSIONER EPSTEIN: Through the Chair,  
 21 some of them are smaller, and that probably  
 22 didn't fit.  
 23 COMMISSIONER MORGAN: Through the Chair to  
 24 the Commission, I just feel like the -- there  
 25 needs to be another review on that. Maybe it's  
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1 not the same for every window. Like, I think  
 2 that we can look at the part about replacing  
 3 them all, but there needs to be another piece  
 4 about the window openings. I don't think  
 5 (microphone failure) that specific here.  
 6 THE CHAIRMAN: I think -- perhaps that can  
 7 be stipulated as being reviewed with staff  
 8 because there are some that are 6-over-1, some  
 9 that are 9-over-1.  
 10 COMMISSIONER MORGAN: Yeah.  
 11 THE CHAIRMAN: So that would be amending  
 12 the --  
 13 MS. LOPERA: (Microphone failure.)  
 14 THE CHAIRMAN: (Microphone failure)  
 15 Amendment Number 1 --  
 16 COMMISSIONER HOFF: Through the Chair to  
 17 staff, could we just say that the motion has  
 18 died?  
 19 MS. LOPERA: Through the Chair to  
 20 Commissioner Hoff, it did receive a second.  
 21 So at this point, you can either withdraw  
 22 it with consensus of the Commission or you can  
 23 amend the amendment, and I can walk you through  
 24 that.  
 25 COMMISSIONER HOFF: Okay. I am going to  
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1 make a motion to amend the amendment and have  
 2 Counsel walk us through that.  
 3 MS. LOPERA: Okay. So through the Chair  
 4 to Commissioner Hoff, I believe it was the  
 5 suggestion of Mr. Wells that you amend  
 6 Condition 1 to read something such as, you  
 7 know, all windows replaced shall have a  
 8 historic grid pattern as -- to be reviewed and  
 9 approved by the Historic Preservation section,  
 10 to allow them to have a staff review to ensure  
 11 each window -- the grid pattern in each window  
 12 is historically appropriate.  
 13 Is that your amendment?  
 14 COMMISSIONER HOFF: Yes.  
 15 I will make an amendment to say that all  
 16 windows will fit the historic grid pattern as  
 17 agreed to by the Historic Preservation staff.  
 18 COMMISSIONER EPSTEIN: Second.  
 19 THE CHAIRMAN: All right. Voice vote.  
 20 All in favor?  
 21 COMMISSION MEMBERS: Aye.  
 22 MS. LOPERA: So you've just approved an  
 23 amendment to the amendment.  
 24 Now someone needs to move the amendment as  
 25 amended and take a voice vote on that.  
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1 COMMISSIONER EPSTEIN: Motion to approve  
 2 the amendment as amended.  
 3 COMMISSIONER HOFF: Aye.  
 4 COMMISSIONER MORGAN: Second.  
 5 THE CHAIRMAN: All those in favor?  
 6 COMMISSION MEMBERS: Aye.  
 7 THE CHAIRMAN: Okay. That was unanimous.  
 8 MS. LOPERA: And the final step, through  
 9 the Chair to the Commission, is someone needs  
 10 to move it as amended -- move for approval as  
 11 amended.  
 12 COMMISSIONER EPSTEIN: Motion to approve  
 13 COA-24-30766 as amended.  
 14 COMMISSIONER HOFF: I will second.  
 15 MS. LOPERA: Through the Chair to the  
 16 Commission, this is your final vote now. So if  
 17 there's any discussion you want to have, do so  
 18 before taking that vote.  
 19 THE CHAIRMAN: I think we've discussed --  
 20 COMMISSION MEMBERS: (No response.)  
 21 THE CHAIRMAN: All those in favor.  
 22 COMMISSION MEMBERS: Aye.  
 23 THE CHAIRMAN: All those opposed?  
 24 COMMISSION MEMBERS: (No response.)  
 25 THE CHAIRMAN: All right. So COA-24-30766  
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1 has been approved as amended.  
 2 Thank you. Thank you for your patience.  
 3 MS. FETNER: Thank you.  
 4 THE CHAIRMAN: All right. Moving forward  
 5 COA-24-30820, 2142 College Street.  
 6 We will open the public hearing and hear a  
 7 staff report.  
 8 MS. FIGUEROA: This report is for  
 9 COA-24-30820, located at 2142 College Street.  
 10 This application seeks to paint a two-story  
 11 noncontributing brick structure in the  
 12 Riverside Avondale Historic District, located  
 13 on an interior lot.  
 14 The subject property consists of a  
 15 two-story, masonry vernacular style,  
 16 multifamily structure characterized by its red  
 17 brick exterior, shingled hip roof, and covered  
 18 front porch entrance. Painting this  
 19 structure's brick would cause most of the  
 20 notable character-defining features to be fully  
 21 concealed.  
 22 Staff considered the applicable design  
 23 guidelines and Ordinance Code, and the  
 24 following is staff's analysis:  
 25 The staff requested a site visit on  
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1 July 31st, 2024, to inspect the condition of  
 2 the brick, and the applicant stated they have  
 3 not attempted repairs, and staff could take  
 4 pictures from the sidewalk, to not disturb the  
 5 six tenants residing on the property.  
 6 The impact of painting a brick structure  
 7 instead of repointing the mortar and performing  
 8 routine maintenance affects the whole block and  
 9 diminishes the historic appearance of these  
 10 historic brick structures within the district;  
 11 therefore, painting this healthy brick  
 12 structure is inconsistent with Section  
 13 107.306(k)(2) to (3) and 307.106(l)(1), (2) and  
 14 (5).

15 The applicant did follow up with staff by  
 16 emailing additional exterior pictures from the  
 17 applicant's provided pictures. Staff assessed  
 18 the brick and determined it to be in great  
 19 condition with some small areas potentially  
 20 needing repointing.

21 The design guidelines specify the methods  
 22 of repairing brick to prevent deterioration,  
 23 where painting a brick structure is a last  
 24 resort to prevent the further deterioration of  
 25 a heavily damaged brick structure.

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1 Specifically, the design guidelines state,  
 2 "Evaluate the overall condition of the masonry  
 3 to determine whether repairs rather than  
 4 protection and maintenance are required."

5 The applicant has not provided any  
 6 evidence that they treated the brick for  
 7 deterioration, repointed mortar, or implemented  
 8 other protective measures. Therefore, with no  
 9 evidence this brick has physical damage or  
 10 chemical damage, painting of the brick is  
 11 inconsistent with the design guidelines as well  
 12 as the code of ordinances, and staff recommends  
 13 the submission of a new COA to repoint and  
 14 clean the masonry which can be approved  
 15 administratively.

16 The National Park Service preservation  
 17 briefs also include detailed steps for  
 18 cleaning, protective measures, and repointing  
 19 mortar, which will be helpful in preserving  
 20 this brick structure.

21 For these reasons, staff recommends to  
 22 deny this application.

23 THE CHAIRMAN: Thank you for that report.

24 Any questions for staff?

25 COMMISSION MEMBERS: (No response.)

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1 THE CHAIRMAN: Is the applicant here  
 2 today?

3 AUDIENCE MEMBER: (Indicating.)

4 THE CHAIRMAN: Please come forward.

5 (Audience member approaches the podium.)

6 THE CHAIRMAN: State your name and address  
 7 and she will swear you in.

8 AUDIENCE MEMBER: My name is Jennifer  
 9 Botterbusch, and I am at 1217 Cape Coral  
 10 Parkway East, Number 101, Cape Coral, Florida  
 11 33904.

12 THE REPORTER: If you would raise your  
 13 right hand for me, please.

14 MS. BOTTERBUSCH: (Complies.)

15 THE REPORTER: Do you affirm that the  
 16 testimony you are about to give will be the  
 17 truth, the whole truth, and nothing but the  
 18 truth?

19 MS. BOTTERBUSCH: Yes.

20 THE REPORTER: Thank you.

21 MS. BOTTERBUSCH: So I wanted to start out  
 22 with just looking at an overview of the  
 23 property. This property was built in 1947.  
 24 It's a brick quadruplex. We own it as a  
 25 residential, long-term apartment rental. It's

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1 a noncontributing structure, and the Florida  
 2 Master Site File is not available.

3 One of the things I wanted to address was  
 4 the general criteria that the staff report, I  
 5 believe, was looking at to evaluate.

6 The first -- and they're -- I'm going to  
 7 go out of order. I'm going to start with  
 8 Number 3, the extent to which the historic  
 9 architectural significance, architectural  
 10 style, design, arrangement, texture and  
 11 materials of the landmark or property will be  
 12 affected.

13 Given that this is a noncontributing  
 14 property, noncontributing structure, I don't  
 15 believe that that's even applicable to the  
 16 structure. It doesn't hold any historical,  
 17 architectural or cultural significance.

18 And according to Section 307.106(a) of the  
 19 municipal code, it doesn't appear that a COA is  
 20 even required for demolition of a  
 21 noncontributing structure, so I would -- I  
 22 would expect that, by extension, less  
 23 restrictive measures should apply to  
 24 alterations like painting, especially when they  
 25 don't affect the historic character of the

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1 district.

2 With regard to general criteria number 4,  
3 whether plans can be carried out within a  
4 reasonable time frame, painting this could  
5 start within a year and definitely be completed  
6 within five years.

7 I've got some additional photos that we've  
8 taken of all the different sides of the  
9 property. So if you want to scroll through the  
10 presentation, through slide number 2.

11 We bought this property a little over ten  
12 years ago and have not -- have not attempted  
13 any repairs in that time. Our desire to paint  
14 the property arises out of aesthetic reasons,  
15 because the -- while the brick may appear to be  
16 in good shape, it's mottled. There's been a  
17 fire, prior to our ownership.

18 So our -- our desire to paint this  
19 property is to improve the overall look of the  
20 property at -- my opinion, it's the ugliest one  
21 on the street, and I don't want to have that  
22 title any more.

23 (Timer notification.)

24 MS. BOTTERBUSCH: Is that all my time?

25 THE CHAIRMAN: Yes. If you want to make

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1 one more statement --

2 MS. BOTTERBUSCH: I've got a few more.

3 If we can scroll through to slide 5.

4 This is what -- kind of our inspiration  
5 photo, this property at 1783 Van Wert Avenue.  
6 This is what we would like to -- this is how we  
7 would like our property to appear.

8 THE CHAIRMAN: Okay.

9 MS. BOTTERBUSCH: And as referring to  
10 general criteria number 1, the effect of the  
11 proposed work on the property in the historic  
12 district, we can -- we'd consider this a  
13 significant improvement and complementing the  
14 historic district.

15 And I've got a couple other slides looking  
16 at that other property and kind of how it  
17 evolved -- has evolved over time, and  
18 improvements that have been made between 2015  
19 and 2018 up to -- through 2024.

20 And referencing the historical context and  
21 future preservation, the painting of a  
22 noncontributing structure does not set a  
23 negative precedent for the district's  
24 historical preservation; instead, it shows a  
25 commitment to maintaining the neighborhood's

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1 overall appearance while allowing for  
2 reasonable modifications to structures that do  
3 not play a significant role in the district's  
4 historical context.

5 The next couple of slides depict some of  
6 the buildings that are actually adjacent to our  
7 property, which would, in my opinion, support  
8 criteria 2, the relationships between painting  
9 our building and other properties in the  
10 historic district.

11 So if I could reference some --  
12 referencing comparable cases, it's not uncommon  
13 for noncontributing structures to undergo  
14 alterations that would not be permissible for  
15 contributing structures. And the approval of  
16 similar cases where noncontributing buildings  
17 have been modified, whether through painting,  
18 other additions or other alterations, sets a  
19 precedent that supports the argument for  
20 painting our quadruplex.

21 And these precedents demonstrate a  
22 recognition that noncontributing structures  
23 don't hold the same value as contributing ones  
24 and, therefore, different standards can and may  
25 be applied.

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1 The last couple of slides that I shared  
2 with you are -- Page 8. Well, I guess you've  
3 already gone through that.

4 So these are the properties that are  
5 adjacent to ours, and they're painted brick.  
6 Slide 9 is the property directly next to  
7 us, and it's painted.

8 And then this was just kind of an example  
9 of a future state that we would have envisioned  
10 if ours was painted.

11 And then the remaining slides, 10  
12 through -- 11, 12, 13, 14 -- these are all  
13 examples of other white painted masonry  
14 residential and commercial buildings within the  
15 Riverside Avondale Historic District.

16 THE CHAIRMAN: Thank you.

17 MS. BOTTERBUSCH: That's it.

18 THE CHAIRMAN: I think we understand.  
19 Thank you. If we need you to come back up,  
20 we'll call upon you.

21 MS. BOTTERBUSCH: Okay.

22 THE CHAIRMAN: Thank you.

23 Is there anyone else here today that  
24 wishes to speak to this COA?

25 AUDIENCE MEMBER: (Indicating.)

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1 THE CHAIRMAN: Please come forward.  
 2 (Audience member approaches the podium.)  
 3 THE CHAIRMAN: Please state your name and  
 4 address. She'll swear you in.  
 5 AUDIENCE MEMBER: My name is Shannon  
 6 Blankinship. I'm at 2623 Herschel street.  
 7 THE REPORTER: If you would raise your  
 8 right hand for me, please.  
 9 MS. BLANKINSHIP: (Complies.)  
 10 THE REPORTER: Do you affirm that the  
 11 testimony you are about to give will be the  
 12 truth, the whole truth, and nothing but the  
 13 truth.  
 14 MS. BLANKINSHIP: I do.  
 15 THE REPORTER: Thank you.  
 16 MS. BLANKINSHIP: I wanted to speak  
 17 specifically to the precedent as well as the  
 18 cultural significance of painting masonry in  
 19 the neighborhood.  
 20 Just today, at Riverside Avondale  
 21 Preservation, we received a phone call about a  
 22 property on Hedrick Street, a historic  
 23 contributing structure that was painted,  
 24 because the property owner was not aware that  
 25 they were not allowed to. And the ability to  
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1 to this today?  
 2 AUDIENCE MEMBERS: (No response.)  
 3 THE CHAIRMAN: All right. So we'll close  
 4 the public hearing and entertain a motion.  
 5 COMMISSIONER EPSTEIN: Motion to approve  
 6 COA-24-30820 as currently written.  
 7 MS. LOPERA: Through the Chair to  
 8 Commissioner Epstein, as currently written  
 9 where?  
 10 COMMISSIONER EPSTEIN: Under the  
 11 Certificate of Appropriateness section, for  
 12 the -- the staff recommendation to deny.  
 13 MS. LOPERA: So you're approving the  
 14 paint -- approving the request or are you  
 15 recommending -- or are you moving a denial?  
 16 COMMISSIONER EPSTEIN: I am recommending a  
 17 denial.  
 18 MS. LOPERA: Okay. So through the Chair  
 19 to Commissioner Epstein, if you could, move the  
 20 COA to deny the --  
 21 COMMISSIONER EPSTEIN: It's already  
 22 written that way, though, so I'm approving the  
 23 way it's written is what I'm saying.  
 24 MS. LOPERA: Through the Chair to the  
 25 Commission, are you clear that she's approving  
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1 reverse that is extremely difficult and  
 2 significant.  
 3 About six months ago, a property on Post  
 4 Street, extremely prominent -- sorry, College,  
 5 was painted also because they were unaware that  
 6 they were not allowed to, as well as a really  
 7 prominent property on St. Johns Avenue just a  
 8 few months before.  
 9 And so when staff was looking at making  
 10 updates to the matrix in order to specifically  
 11 address painting masonry, we requested an even  
 12 playing field rule and status within the  
 13 neighborhood in order to eliminate some of the  
 14 confusion as well as protect many of the  
 15 existing masonry properties within the  
 16 neighborhood.  
 17 I do think that painting masonry is  
 18 precedent-setting. It's a standard and it's  
 19 something that nearby neighbors see. It's very  
 20 difficult to reverse and changes the look and  
 21 feel of the neighborhood as a whole, whether  
 22 the property is contributing or  
 23 noncontributing, so thank you.  
 24 THE CHAIRMAN: Thank you.  
 25 Is there anyone else who wishes to speak  
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1 the motion -- on the floor is to approve -- to  
 2 adopt the staff recommendation to deny. We'll  
 3 say it that way.  
 4 THE CHAIRMAN: Yes.  
 5 COMMISSIONER HOFF: I will second for  
 6 discussion.  
 7 COMMISSIONER EPSTEIN: Through the Chair,  
 8 the only reason I moved forward the  
 9 recommendation is because I agree with what was  
 10 said, that masonry painting, once it's done, it  
 11 really can't be undone. You lose so much of a  
 12 wonderful texture of a building that's there,  
 13 that I just want us to discuss it a little bit  
 14 more and think about it because it does set a  
 15 precedent for people in the neighborhood. They  
 16 see other painted masonry structures and they  
 17 think "I can paint my house too," and then we  
 18 end up with a masonry painted structure that  
 19 shouldn't have been painted and is almost  
 20 impossible to bring it back to the way it was.  
 21 COMMISSIONER HOFF: Through the Chair to  
 22 the Commission, so I agree with the comment  
 23 from Commissioner Epstein in that it is very  
 24 difficult to correct that, unlike other types  
 25 of work that is started, but I do think that  
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1 the issue of property owners not knowing what  
2 they can and can't do goes beyond painting.  
3 It's just that that is more difficult to  
4 correct. So I just want to make that note.

5 And, in general, from what I have observed  
6 and -- I think it does have some credence that  
7 noncontributing structures do have more  
8 flexibility than those that are deemed  
9 contributing. However, just because a property  
10 is technically noncontributing as of 40 or  
11 50 years ago doesn't mean that if -- it does  
12 not have important character in the  
13 neighborhood now.

14 So that's kind of my thought process.

15 COMMISSIONER EPSTEIN: Through the Chair,  
16 I've said this multiple times, and just because  
17 somebody from RAP is here, I would really love  
18 it if you guys would look at your  
19 noncontributing and contributing structures  
20 list because the last time you looked at it was  
21 like 30 years ago, and there's buildings in the  
22 neighborhood that should be listed as  
23 contributing structures that are not on that  
24 list.

25 I will just say, I looked at it recently  
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1 and, like, the Junior League building is listed  
2 as a noncontributing structures, which is like  
3 bonkers to me, just as an aside.

4 THE CHAIRMAN: So I appreciate those  
5 comments, but the matter at hand is this  
6 particular project.

7 I would add to the conversation regarding  
8 this project, both -- both statements were made  
9 by the applicant and the public speaker  
10 regarding painting the -- is that -- there have  
11 been things that we have looked at over the  
12 past few months that we have approved and  
13 denied. Some of them have been -- over the  
14 past years maybe. Some of them have been  
15 historic structures that were trying to  
16 paint -- historic structures they were trying  
17 to paint, others were new construction,  
18 historic structures that were trying to paint.  
19 And now, in this case, we have a  
20 noncontributing, older building in the -- in  
21 the historic district that's trying to paint  
22 the brick.

23 And so I think the conversation is the  
24 right conversation, but I also just want to  
25 draw attention to the things that we're  
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1 speaking about and voting on. Although they  
2 don't -- they don't necessarily set precedent  
3 for us and how we operate, I think it is  
4 sending a message to people of these districts  
5 about what we do and don't do, and I just think  
6 we need to be aware of that.

7 Like, we recently approved the -- it  
8 wasn't painting the new brick masonry, but it  
9 was a new brick structure that they used as  
10 sort of a wash rather than a paint, right? And  
11 it had -- it had value in terms of sealing the  
12 structure.

13 And so I think we just need to -- we need  
14 to become -- I think more of these things are  
15 going to come up, and I think we need to be  
16 aware of how we're -- how we're voting and  
17 talking about them and discussing them.

18 But back to this one, right? It's  
19 noncontributing, it's an older structure. It's  
20 (microphone failure) and --

21 COMMISSIONER EPSTEIN: So through the  
22 Chair, I've expressed some comments that were  
23 probably a little bit more stringent than I  
24 will probably end up leaning just because I  
25 wanted to get them on record.

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1 My comments, as someone who serves on this  
2 commission, and an architect in town, is that  
3 this is a noncontributing structure. The  
4 brickwork on this is nothing of any sort of  
5 historic brick value. There's no -- you know,  
6 there's no elaborate masonry work, that I -- I  
7 would be okay with allowing this to be painted  
8 just because of those reasons.

9 COMMISSIONER MORGAN: Through the Chair to  
10 the Commission, I want to just bring out this  
11 while -- it's not just an aesthetic thing, it's  
12 a functionality thing. And when you're  
13 blocking the breathability of the brick --  
14 especially as a landlord, I'm assuming, owned  
15 by an LLC, there's the potential for mold to  
16 grow on the inside of the walls and the  
17 building structures.

18 It's not just a look thing, it's a  
19 maintenance thing, it's a health and safety  
20 thing, and that's why I think a wash or  
21 something might be a more appropriate  
22 application just so that you're not -- you're  
23 getting a look, but you're not losing the  
24 breathability of the natural material.

25 COMMISSIONER EPSTEIN: Through the Chair,  
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1 I'm sorry I keep talking, but that -- that is  
2 true when you do apply a paint to brick, you  
3 lose the breathability, and even more so the  
4 moisture kind of coming out of the brick, and  
5 the brick can even deteriorate from the inside  
6 if you do not have a proper waterproofing  
7 system, which was probably not taken into  
8 consideration in this, that this would be  
9 painted, just as a warning.

10 THE CHAIRMAN: Now, there are also -- in  
11 addition to the wash that has been used on  
12 masonry, which breathes, there's also  
13 breathable paint, right? Like elastomeric  
14 paints and other kinds of breathable paints  
15 that can be used on masonry. So that's  
16 something to consider too if we're going to  
17 move with this as a stipulation.

18 COMMISSIONER MORGAN: Additionally, I've  
19 seen stains to fix the consistency of the  
20 color, to blend better, to improve the  
21 aesthetic with a stain that is still porous  
22 instead of just an opaque color.

23 THE CHAIRMAN: So there's a -- there are a  
24 number of things here that are kind of on the  
25 table in this discussion. One is the standing

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1 guideline about not painting historic,  
2 contributing brick structures; this idea  
3 about -- that there's been a history of  
4 painting brick in the neighborhood, some  
5 contributing, some noncontributing; and then,  
6 you know, what we're going to propose here. So  
7 I -- I just -- I'm just trying to keep the  
8 discussion moving towards a vote.

9 And currently, the motion on the table is  
10 to deny the painting of this brick structure,  
11 but we've heard one commissioner state a  
12 position of approving the painting of the brick  
13 structure based on the situation.

14 COMMISSIONER HOFF: So through the Chair,  
15 I would lean towards approving this because --  
16 excuse me.

17 THE CHAIRMAN: Could you stipulate what  
18 you mean by "approving it"?

19 COMMISSIONER HOFF: Sorry.

20 I would lean towards approving the  
21 applicant's request to paint because it is  
22 noncontributing and there are lots of other  
23 similar examples in the community. That's what  
24 I would lean towards.

25 THE CHAIRMAN: Are you leaning so far that

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1 you're amending -- you're making a motion to  
2 amend the denial?

3 COMMISSIONER HOFF: Sure.

4 Through the Chair, I will make a motion to  
5 amend to approve the applicant's request to  
6 paint the structure, the brick structure.

7 THE CHAIRMAN: Would you like to put any  
8 conditions on that, based on the discussion  
9 about breathability and such?

10 COMMISSIONER HOFF: I will place a  
11 condition on it that the product used will be  
12 reviewed and approved by staff.

13 THE CHAIRMAN: Is there a second?

14 COMMISSIONER EPSTEIN: Second.

15 THE CHAIRMAN: Is there any discussion on  
16 this?

17 COMMISSIONER HOFF: I think that staff  
18 wanted to comment on that.

19 MR. WELLS: Through the Chair to  
20 Commissioner Hoff, I just need some  
21 clarification here.

22 So for the -- the condition itself, are  
23 you conditioning that they're approved for  
24 painting the structure with a clear coat or,  
25 like, a -- what type of --

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1 COMMISSIONER HOFF: My suggestion was to  
2 have that approved by staff administratively,  
3 whatever paint product you wanted -- that they  
4 were going to suggest. That would be my  
5 preference, so it's not --

6 THE CHAIRMAN: Hang on a second. It's  
7 generally not in the purview of staff to make  
8 color recommendations. I think what's at issue  
9 here is whether it's clear or pigmented. Does  
10 it have a pigment or is it clear? Like, what  
11 are you suggesting?

12 COMMISSIONER EPSTEIN: Is it opaque?

13 COMMISSIONER HOFF: So I would envision  
14 painting to be opaque. That's what I -- that's  
15 what I meant. And I think that that would fit  
16 with what the applicant is requesting as well.

17 THE CHAIRMAN: And so just to clarify,  
18 you're making a motion to amend to allow the  
19 applicant to use an opaque paint product  
20 approval in terms of breathability and  
21 specifications of staff?

22 COMMISSIONER HOFF: Yes.

23 Through the Chair to staff, is that  
24 something that you have done before, to approve  
25 the specific type of paint product, or is that

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1 of -- not something that you would feel  
2 comfortable doing?  
3 MR. WELLS: Through the Chair to  
4 Commissioner Hoff, I mean, we -- in the past,  
5 we've never gone this route because from the  
6 beginning we would have -- our recommendation  
7 would have been the same, not to approve it, so  
8 placing that condition on there to approve it  
9 with a paint -- I think it would just be more  
10 prudent for you to just recommend approval,  
11 just to paint the structure.

12 THE CHAIRMAN: Just to paint it, yeah.

13 MS. LOPERA: Through the Chair to  
14 Commissioner Hoff, in the same vein, I think  
15 you would have to ask yourself, what do you  
16 want staff to review and approve, right?

17 If you're asking for a certain opacity, a  
18 percentage or something, then they could review  
19 that. But if it's just, you can paint it with  
20 whatever you want, I -- I don't know what  
21 review would be needed at that point.

22 COMMISSIONER HOFF: Sure.

23 So I think that was trying to address some  
24 of the comments by the Commission about the  
25 health of the brick, depending on what type of

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1 product would be used.  
2 However, I am comfortable not including  
3 that in my amendment as well, so may I withdraw  
4 my amendment?

5 MS. LOPERA: Through the Chair to  
6 Commissioner Hoff, and to the Chair, he may  
7 withdraw with -- if you're sure there's  
8 consensus among the Commission that everyone's  
9 fine with the withdrawal because once a motion  
10 is made and seconded, it belongs to the body.  
11 So as long as there's consensus to withdraw,  
12 that's fine.

13 THE CHAIRMAN: Are we okay with him  
14 withdrawing?

15 COMMISSION MEMBERS: Yes.

16 THE CHAIRMAN: So I'll need another  
17 motion.

18 COMMISSIONER EPSTEIN: Motion to approve  
19 the requested painting for COA-24-0- -- I'm  
20 sorry, COA-24-30820.

21 MS. LOPERA: Through the Chair to  
22 Commissioner Epstein, a motion to amend to  
23 approve?

24 COMMISSIONER EPSTEIN: Yes, amend to  
25 approve.

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1 COMMISSIONER HOFF: I will second.

2 MS. LOPERA: So, Mr. Chair, you'll need to  
3 take a voice vote on the amendment to the  
4 motion. Once you get approval of that, then  
5 someone will need to move it as amended.

6 THE CHAIRMAN: Yes. We need a voice vote  
7 on the amendment, please.

8 All those in favor?

9 COMMISSION MEMBERS: Aye.

10 THE CHAIRMAN: Okay. And now we need to  
11 vote --

12 MS. LOPERA: Now someone needs to move it  
13 as amended.

14 COMMISSIONER EPSTEIN: Motion to approve  
15 COA-24-30820 as amended.

16 COMMISSIONER HOFF: I will second.

17 THE CHAIRMAN: All those in favor?

18 COMMISSION MEMBERS: Aye.

19 THE CHAIRMAN: All those opposed?

20 COMMISSION MEMBERS: (No response.)

21 THE CHAIRMAN: It's unanimous.

22 So COA-24-30820, 2142 College Street, has  
23 been approved for masonry painting as per owner  
24 request.

25 All right. So we're going to take a break  
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1 because it's been well over two hours. There's  
2 just information and new business to do, and  
3 public comments.

4 So let's take a -- we'll take a break and  
5 we will reconvene in ten minutes. We'll  
6 reconvene at 5:30.

7 (Brief recess.)

8 THE CHAIRMAN: All right. We're going to  
9 reopen the meeting and let the record show it's  
10 5:37.

11 So we'll continue on with the agenda. We  
12 finished all the COAs. The next item is public  
13 comments. We will move to public comments.

14 Is there anyone here who would like to  
15 make a public comment today?

16 MS. PRYOR: (Indicating.)

17 THE CHAIRMAN: Please come forward.  
18 (Ms. Pryor approaches the podium.)

19 THE CHAIRMAN: And again, just as a  
20 reminder, there's no need to swear in for  
21 public comment, just name and address.

22 MS. PRYOR: Kim Pryor, 245 West 5th  
23 Street.

24 And I only have three minutes, but I have  
25 a couple of different things here. The first

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1 is to bring your attention to an issue with the  
 2 Florida Building Code and the fact that it may  
 3 negatively impact historic preservation.  
 4 The Building Department is now starting to  
 5 enforce energy calcs on historic properties.  
 6 For a long time, they have -- historic  
 7 properties have been exempt from energy calc  
 8 requirements, but now they are -- they are  
 9 requiring them.  
 10 Historic -- which means window  
 11 replacement, because without putting in new  
 12 windows, the house will never meet current  
 13 energy calc requirements.  
 14 And if we -- y'all know how passionate I  
 15 am about original windows. If we allow  
 16 everybody to go in and replace all their  
 17 windows, we're destroying the historic fabric  
 18 of our structures, so I think that's something  
 19 that maybe this body could look into and help  
 20 with because it's going to be a huge problem.  
 21 Have y'all -- I don't know if y'all have  
 22 heard of it. I see Commissioner Morgan nodding  
 23 her head. I don't know if anyone has heard  
 24 that or not.  
 25 So the other thing that I just -- I wanted  
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1 to bring up briefly was, when I was here two  
 2 weeks ago to speak on the COA that Joe Markusic  
 3 was here today to speak on, I was told that I  
 4 was not allowed to speak and that you guys  
 5 could not act on that because there was no  
 6 letter on file, nothing on file that authorized  
 7 me to speak on that COA, yet earlier today you  
 8 allowed someone to come up -- she actually  
 9 pulled it off consent. It was a female. I  
 10 don't know her name, but the applicant and the  
 11 owners listed on the agenda were both male, and  
 12 you allowed that person to speak on behalf of  
 13 that COA and you voted on it and took action.  
 14 That is not fair at all.  
 15 Why would you treat me differently than  
 16 you treat someone else? The inconsistency here  
 17 is disheartening. And I don't know if you guys  
 18 noticed it or not, but I wanted to bring it to  
 19 your attention because it is not fair at all,  
 20 the way that that's handled. If you're going  
 21 to have a rule, you need to enforce it for  
 22 everyone.  
 23 The same thing came up with the demolition  
 24 delays that were held -- were heard. There was  
 25 nobody's name on that demolition delay  
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1 application, yet you allowed someone to come up  
 2 here and speak on behalf of it --  
 3 (Timer notification.)  
 4 MS. PRYOR: -- without any type of letter  
 5 saying that they were authorized to do so.  
 6 This is a problem.  
 7 THE CHAIRMAN: Thank you.  
 8 Go ahead.  
 9 COMMISSIONER EPSTEIN: Through the Chair,  
 10 I just do want to say that I actually did  
 11 notice that the person in that COA was not  
 12 listed on the general information. But when I  
 13 went through -- and if you actually look  
 14 through the paperwork for the application for  
 15 the Certificate of Appropriateness, she is  
 16 listed as the general information of the owner  
 17 there, her name is listed there. I did go and  
 18 check that myself because of what happened to  
 19 you last week.  
 20 THE CHAIRMAN: Thank you.  
 21 All right. Is there anyone else here who  
 22 wishes to speak?  
 23 (Audience member approaches the podium.)  
 24 AUDIENCE MEMBER: Mike Haskins, 417 West  
 25 7th Street.  
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1 I wanted to share with the Commission a  
 2 concern in Springfield regarding the Florida  
 3 Department of Transportation. They are doing  
 4 work on Main Street to resurface the road. And  
 5 with that, they are also making some changes to  
 6 what I'm going to call streetscape  
 7 infrastructure, for lack of a better term, by  
 8 which I mean the historically designed street  
 9 lights, street poles, bricks, pavers,  
 10 crosswalks, et cetera.  
 11 And my understanding is that when FDOT  
 12 makes plans with the City of Jacksonville, it  
 13 goes to either the Planning and Development  
 14 Department or Public Works or both for  
 15 approval, but my understanding is it has not  
 16 come to the Historic Preservation Commission.  
 17 And I would -- I would suggest to you that  
 18 Chapter 76, it -- it was within your purview  
 19 and mission to review those plans. Chapter 76  
 20 does talk about advising state and federal  
 21 agencies as well as advising on capital  
 22 improvement projects.  
 23 In this case, there will be some design  
 24 work done in Springfield that will not meet the  
 25 rest of the design standards across the  
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1 neighborhood and will be somewhat out of place,  
2 and there's been a concern raised by many  
3 people.

4 And I do know that there are FDOT roads  
5 and other locally designated historic districts  
6 in our city as well. I would encourage this  
7 commission to see if there can be a process put  
8 in place for FDOT's submission of plans to come  
9 to Historic Preservation as well as the other  
10 departments within the City.

11 And I thank you all for your time.

12 THE CHAIRMAN: Thank you.

13 Question -- this is a question from me to  
14 staff or counsel. Is there a process for that?  
15 Because that has a -- he makes a really good  
16 point in that regard.

17 MS. LOPERA: Through the Chair to the  
18 Commission, so I do -- and to the speaker,  
19 there's a Florida state statute, unfortunately,  
20 that preempts you from enforcing the historic  
21 design regulations on FDOT. It's a Florida  
22 Statute, Section 335.02, subsection 4, stating  
23 that local regulations don't apply to the state  
24 highway system, and Main Street is part of the  
25 state highway system.

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1 THE CHAIRMAN: Is that a -- does the  
2 general public -- maybe that's not within our  
3 purview as something to address directly, but  
4 do the citizens -- is there a process for  
5 citizens to address that with FDOT or is it --  
6 is there no recourse there?

7 Because there are certainly stakeholders  
8 in historic districts who aren't serving in our  
9 capacity or others that would certainly stand  
10 up and speak to that. Is there anything that  
11 we know of, any process for them?

12 MS. LOPERA: To the Chair, I'm not  
13 familiar with all of FDOT's processes. And it  
14 sounds like they have worked with them to some  
15 extent, but FDOT has not elected to comply with  
16 any design regulations that we have on file,  
17 and we can't enforce those against FDOT.

18 THE CHAIRMAN: Okay. Thank you.

19 Any other public comment?

20 AUDIENCE MEMBERS: (No response.)

21 THE CHAIRMAN: I'm getting used to doing  
22 the gavel. I'm going to close the public  
23 hearing.

24 Although I would like to say in regard to  
25 the first public comment, we -- commissioners

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1 are not perfect. We have good intentions.  
2 We're only here because of our intentions, and  
3 we respect and love our historic communities.  
4 And so it's not our intention to mistreat  
5 anyone or treat anyone more fairly or less  
6 fairly than anyone else. We're doing our best.

7 So let's move on to -- there's no new  
8 business, but information.

9 MR. WELLS: All right. Thank you.

10 Through the Chair to the Commission, the  
11 first item is deferred. We were going to have  
12 a presentation by UF. But due to the tropical  
13 hurricane now, it's being deferred until next  
14 month.

15 The second item just is a heads-up. Staff  
16 is beginning to plan for commission-based items  
17 for next year, so this includes updating the  
18 COA matrix. We'll be having an extensive  
19 discussion about that next month, as well as  
20 the room locations, the schedules of dates and  
21 deadlines for next year.

22 So the main thing here is just, if you do  
23 have any suggestions or any things that you  
24 want to just discuss pertaining to next year's  
25 events, just please feel free to reach out, but

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1 I'll have more to share next month.

2 Pending legislation. So no new items have  
3 been taken action on by City Council, but we  
4 did have -- three new ordinances were  
5 introduced yesterday. So these were the three  
6 landmark applications that you approved at last  
7 month's meeting. So those will be taken up for  
8 action by the Land Use and Zoning Committee on  
9 November 5th.

10 THE CHAIRMAN: Thank you.

11 There's no old business. Then we have  
12 design issues, reroofs.

13 MR. WELLS: I'm going to defer to next  
14 month for that one.

15 THE CHAIRMAN: Defer to next month. Okay.

16 COMMISSIONER HOFF: Through the Chair  
17 really quickly, sorry. I don't know if this  
18 would fit under design issues, but I would  
19 appreciate some kind of discussion about fence  
20 heights and the nuances about that.

21 We've seen, I think, three or four  
22 different applications in the past couple of  
23 months for 8-foot fences, some with lattice on  
24 top, some not, and there's been various kind of  
25 details about why those might be appropriate.

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1 So I just kind of want to have some kind  
2 of discussion on that as they are not the norm,  
3 and I'm kind of -- to have that at some point.

4 THE CHAIRMAN: Are you -- Commissioner  
5 Hoff, are you suggesting that maybe that appear  
6 on next month's agenda and we just sort of  
7 address it or --

8 COMMISSIONER HOFF: I don't think it's  
9 super time-sensitive, so as the staff's time  
10 would allow.

11 THE CHAIRMAN: Okay. Thank you.  
12 I think that's everything.

13 I do want to make a point of -- I think  
14 I've said this a couple of times, but I want to  
15 commend staff on working with the community to  
16 get more and more projects on the consent  
17 agenda. I don't think that's an easy thing to  
18 do and I know you work very hard, so it's  
19 appreciated. Thank you.

20 With that, we're adjourned. I hope  
21 everyone stays safe.

22 (The foregoing proceedings were adjourned  
23 at 5:47 p.m.)

24 - - -  
25

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1 CERTIFICATE OF REPORTER

2  
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4 )  
5 COUNTY OF DUVAL )  
6

7 I, Diane M. Tropa, Florida Professional  
8 Reporter, certify that I was authorized to and did  
9 stenographically report the foregoing proceedings and  
10 that the transcript is a true and complete record of my  
11 stenographic notes.

12  
13  
14  
15 DATED this 10th day of October 2024.

16  
17 \_\_\_\_\_  
18 Diane M. Tropa  
19 Florida Professional Reporter  
20  
21  
22  
23  
24  
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