



HISTORIC PRESERVATION COMMISSION MINUTES

Date: Tuesday, January 15, 2019
Time: 9:00 AM
Location: City Council Chambers - 315 E. Kennedy Blvd., 3rd Floor

Call to Order Chair Vivian Salaga called meeting to order

Silent Roll Call **Commissioners Present:** Patricia Ortiz, Vivian Salaga, Missy Schukraft, and Dr. Thomas Pluckhahn

Commissioners Arriving After Roll Call:

Commissioners Absent:

Staff Present: Dennis Fernandez and Elaine Lund, Beverly Jewesak

Legal Staff: Rachel Peterkin

Commissioners introduced themselves and their position on the Board.

Swear In: Beverly Jewesak swore in all owners, applicants, interested parties, and witnesses in the City Council Chambers.

Announcements: Dennis Fernandez, Architectural Review and Historic Preservation Manager

- Welcome to the New Year. You have the 2019 calendar in your packets. Please let us know as soon as possible if there are any dates that you may be unable to attend.
- Legal will give you a background on the Tampa Heights Design Guidelines discussion item for today's hearing.

Review of Minutes: November 13, 2018, Minutes: Commissioner Salaga stated that the minutes stand as read.

Review of Fence Standards: Tampa Heights Local Historic District:

Chair Commissioner Salaga asked legal counsel to give a review of the circumstances surrounding the subject of today's hearing and the history of where it began, where it has continued, where we are today, and what our expectation is for the conclusion of this meeting.

Rachel Peterkin, Legal Division, City of Tampa – Initially this body addressed the issue of fencing as it's currently set forth in the Tampa Heights Historic District Design Guidelines by an informal process. When staff presented to City Council, City Council expressed a desire to have the process be more formally addressed. Specifically being, deleting a sentence from the Tampa Heights Historic District Design Guidelines which treats fence height differently within the district than that within the City Code. So that it will in essence be treated to simply

conform to City Code. By Ordinance the formal process has two basic steps. The first is receive by this body the comments from the public and then the applicable regulatory commission, which in this case is the Architectural Review Commission. So to that end, this public hearing was set with notice given to property owners within the district. Then staff will solicit comments from the Architectural Review Commission at one of their meetings. At the next Historic Preservation Commission meeting you will make a recommendation to City Council after having heard the public comment from today's meeting and any comments provided by the Architectural Review Commission.

Dennis Fernandez – Just to outline the process as we move through today's meeting, we will be taking public comment, each individual is allowed 3 minutes, a person can donate their time to another speaker if present at the hearing, that speaker will gain 1 minute per donation.

Elaine Lund, Historic Preservation Specialist, provided an overview of the existing guidelines for fences and walls in the Tampa Heights Historic District and of the city ordinances regarding fence height and placement. See PowerPoint printout attached.

Public Comment: Rick Fernandez, Lena Young-Green, Justin Ricke, Shane Ragiel, John Foster, Scott Palmer, Mary McCahon, Leroy Chatman, Becky Clarke, Judy Gillette.

Questions:

Commissioner Schukraft – What year was the local history district established?

Elaine Lund – The local historic district was established in 2000 and the Design Guidelines were adopted that same year.

Commissioner Schukraft – With regard to Mr. Chatman's fence, was that a staff approval?

Elaine Lund – The application he brought forward to have the 6 ft. high fence on his side yard was brought to an ARC Public Hearing, and it was denied.

Commissioner Ortiz – Elaine could you clarify for me, my thought is that Mr. Chatman's fence was built without permit or prior approval. Is that correct?

Elaine Lund - Correct, permits are not required for fences, and there was not a Certificate of Appropriateness issued by the ARC or staff.

Commissioner Ortiz – So in summary, the fence was constructed without approval.

Elaine Lund – Correct.

Commissioner Salaga – But you had mentioned that Mr. Chatman had appeared before the ARC, so that was subsequent to the notification he indicated he had received.

Elaine Lund – The code violation was issued prior to him appearing before the ARC. When the violations are issued, the affected party has the opportunity to correct the situation and one of the avenues can be through an approval by the ARC; however, the ARC did not see fit to approve that particular application.

Commissioner Ortiz – The ARC process, is that a hardship based process, where one has the opportunity to express the need for a fence and associated hardships?

Elaine Lund – It is not like requesting a variance. Since it's an item only addressed within the Tampa Heights Design Guidelines, you can present the information that you feel is necessary to the board.

Commissioner Ortiz – That answers my question, thank you.

Commissioner Salaga – Mr. Chatman stated his home was built in 1999, which was prior to the adoption of the guidelines. The fence in question appears to not have been built when the home was built. Is that correct?

Elaine Lund – Correct, this fence was built in 2017.

Commissioner Salaga – When the guidelines were adopted, the language with respect to the fencing requirements, was as it appears today, or has it been changed over time?

Elaine Lund – I am not aware of any changes since adoption in 2000.

Commissioner Salaga – And the process to adopt those guidelines included various and numerous public hearings and notifications to the neighborhoods.

Elaine Lund - Yes

Commissioner Pluckhahn – I do not have any questions. It's heartening to see so many people from the community come out for this meeting and speak mostly in favor of the existing guidelines.

Commissioner Salaga – It is my understanding now that as this process moves forward: We have received this information and the input from the neighborhood, and the property owners of the properties in question. This information is taken in, and now there will be a required presentation before the Architectural Review Commission (ARC), which is tentatively scheduled for their March Public Hearing. The ARC will then present their findings to this Commission, and at that point in time, given the neighborhood input from this meeting and the ARC recommendation given at our March Public Hearing, we would then be called upon to make a renewed recommendation to City Council for their consideration.

Dennis Fernandez – I will coordinate next steps with the neighborhood association, so if they choose to attend the subsequent meeting with the ARC, which I'm planning as of today to be in March, which would be in advance of your March 12th Public Hearing. It should give us enough time for you to get whatever type of guidance that they give and then formulate a formal recommendation to City Council, which then staff will take back to them at the appropriate time. The issue, just to clarify, that will be taken back to the ARC is the discussion that occurred at City Council both in September and November about eliminating the corner element decrease in height and rear yard placement as Elaine pointed out in the PowerPoint. That is where staff is focusing. We are not presenting any other alternatives or modifications other than that particular issue that has been discussed over and over again.

Commissioner Schukraft – Last time we met, I asked if there was some kind of a report of code violations within the district, there was a document that was presented to us, and I'm not sure if that came from City or an outside source. Has there been any movement on that or any information?

Dennis Fernandez –The document that was provided to us we analyzed, and we noted a couple of violations within that document, and one has been corrected since we last met. There are a couple others we are coordinating with Code Enforcement on, some of these violations deal with zoning requirements, and it usually is a collaborative effort. There were two that were staff approved, one of which was my decision to approve based on a handicap need. The second one was essentially an error by staff; we are educating ourselves better

on this subject within the district and trying to coordinate our efforts internally to insure that when we review something that we are taking in the entire site and not just portions of the site. Sometimes you focus in on what the issue is at the expense of something else that might be within a plan. We are requiring any type of site modification that comes into the office, particularly dealing with fence issues, be carefully reviewed by one of the two planners and not any other staff member.

Commissioner Schukraft – This may be a question for the City Attorney, the cases that are currently in violation, are these active cases, is the City working on them? Were letters sent out and owners told they need to come into compliance?

Dennis Fernandez – There are active violations; Mr. Chatman has an active violation. Those are continuing through the Code Enforcement process. We will continue to pursue those within the capabilities of our resources. I think that some of the reports that have been given to us are extremely difficult to substantiate to be able to go through the Code Enforcement process and say when the violation occurred. The City has the burden to be able to demonstrate when a property is in violation. Those will be an administrative decision of whether to pursue those through the Code Enforcement process or not.

Commissioner Salaga – In our packets, there was an extraordinarily thorough report that I'm assuming came from the neighborhood association, and I just would like to commend them on the accuracy, and the thoroughness, and the information that that report provides. It is a wonderful starting point of looking at all the conditions within the neighborhood that fall under the consideration of the issue open today.

Dennis Fernandez – It is very encouraging to have the neighborhood's support behind these issues. It's not often the case. I think through this process, one of the byproducts has been that the staff has been able to forge a stronger relationship with the association and understand their perspectives. Sometimes there is a silent element and we are applying the written letter and it is very valuable to hear from the residents on how they perceive the guidelines, and how they perceive the guidelines affecting their quality of life within the district. I think moving forward that type of engagement by the neighborhood will make our implementation and enforcement process much more successful.

Commissioner Schukraft – I've lived in many historic districts over time. I know that these code enforcement violations can be very difficult to deal with. I have also found that if the local government doesn't actively inform the neighborhood, and I'm not saying the city doesn't. Those of us who live in the neighborhood and are complying wonder what is going on if a violation goes on for an extended time. A report of what is actively happening on violations going to the neighborhood association can help provide an open line of communication. So often code enforcement violations are just lack of information, and not that someone consciously goes against the guidelines.

Dennis Fernandez – We have a number of different points of contact within the different districts. From my perspective the association is normally the most effective point of contact because they are able to disseminate information more quickly and effectively than the City's Ordinances require. I've talked with the current leadership about some approaches to end up with a more effective line of communication, more engagement between staff and the association. Every association operates a little bit differently. For instance, within Hyde Park the individual assigned to that particular task contacts our office and we walk through those issues with them. I've offered to attend or have a staff person attend the association meetings periodically. We are definitely open to forging good communication. The public can contact our office by phone or email us through the customer service center on the City's webpage.

Commissioner Salaga – May I have a motion to accept documents that were submitted to legal counsel at this Public Hearing into the record.

Commissioner Pluckhahn stated “So moved.”

Commissioner Ortiz seconded the motion.

Date and Time of Next HPC Meeting

March 12, 2019, 9:00 a.m.

New Business

None submitted.

Adjournment

10:03 a.m.

Approved: _____ Date: _____
Vivian Salaga – Chair