



CITY OF FORT PIERCE

PLANNING DEPARTMENT

REBECCA GROHALL, AICP, PLANNING MANAGER
COMPREHENSIVE PLANNING ♦ DEVELOPMENT REVIEW
HISTORIC PRESERVATION ♦ URBAN DESIGN ♦ URBAN FORESTRY ♦ ZONING

TO: Rebecca Grohall, AICP, Planning Manager

FROM: Kori Benton, Historic Preservation Officer

RE: **Appeal of the Decision of the Historic Preservation Board
Certificate of Appropriateness 14-23, Stucco & Painting Over Mural
102 N 2nd Street**

DATE: August 6th, 2014

STAFF REPORT

Certificate of Appropriateness (COA) 14-23 **Stucco & Mural Removal**

Owner(s): RFMD Investments, LLC
Ralf Fahmy
P.O. Box 650991
Vero Beach, FL 32965

Representative: Marty Limberis Plastering LLC
Marty Limberis
10195 S. Indian River Drive
Fort Pierce, FL 34982

Property Location: 100/102 N 2nd Street, Fort Pierce, Florida
Parcel ID: 2410-503-0069-000-0

Historic Designation: Non-contributing structure within the Downtown Historic District, Resolution 02-39

COA Request: Approval to seal, stucco and paint a portion of the eastern facade (over mural) to match remainder of building

HPB Hearing Date: June 23, 2014

Decision of the Historic Preservation Board

The Historic Preservation Board, at their June 23rd, 2014 meeting, approved the application to seal, stucco and paint a portion of the eastern facade (over mural) to match the remainder of building with the condition that the property owner first attempt to seal the mural. If the mural cannot be sealed, the Board granted the covering of the wall with smooth stucco to accept a new mural. The applicant must implement the new mural within six (6) months of the stucco work, and be of equal size, quality and historical significance of the old mural. The new mural may be approved by the Historic Preservation Officer.

Appeal

Aggrieved Party:	RFMD Investments, LLC
Decision Being Appealed:	Application of a condition which would require the installation of smooth stucco, instead of a rough stucco finish, and a replacement mural within six (6) months of the stucco work, of equal size, quality and historical significance of the old mural.
Relief Sought:	Amend the decision of the board to grant approval without any conditions.

Facts Bearing on the Appeal

In 1995, the previous owner commissioned the painting of a mural on the eastern wall of the structure, facing Indian River Drive. The mural was completed in 1995 by an artist noted by the initials of GK.

On April 16th, 2001, the Fort Pierce City Commission adopted Ordinance K-72, Establishing Chapter 23 of the City Code of Ordinances, providing for the identification, protection, and promotion of restoration of buildings and districts within the City which have special historical, architectural, and archaeological value.

On March 18th, 2002, the Fort Pierce City Commission adopted Resolution 02-39, establishing the Downtown Historic District, encompassing the subject structure.

On May 8th, 2014, Marty Limberis of Marty Limberis Plastering LLC submitted a Building Permit application to remove cracked and loose stucco and replace with the same style. The original application did not include the overlay of stucco upon the noted extension of wall.

On June 9th, 2014, Ralf Fahmy, Chief Executive Member of RFMD Investments, LLC, submitted a Certification of Appropriateness application to complete the subject exterior alterations. The owner presented this as their first attempt to seal this side of the building, in response to deterioration observed over the last two years. It is indicated that moisture seeps through the staircase cracks rendering the inside of the wall prone to the accumulation of mold and mildew, while the rain further swells these cracks.

On June 23rd, 2014, the Historic Preservation Board held a public hearing on Certificate of Appropriateness Application 14-23 and considered the request of the applicant, the provided staff report and presentation, and the Secretary of Interior Standards for the Rehabilitation of Historic Structures as adopted by Chapter 23 of the City Code of Ordinances. The applicant and representative were not present at the meeting to provide input or respond to inquiries.

After discussion, the Historic Preservation Board voted 6-1 to approve the request with the following notes and conditions:

The Board considers the mural of historic importance. If the mural cannot be sealed, the wall will have a smooth coat of stucco applied to accept a new mural. The new mural is to be replaced within 6 months and be of equal size, quality and historical significance of the old mural. The new mural will need to be approved by the Historic Preservation Officer.

On June 24th, 2014, Staff provided the applicant and representative with the Approved Certificate of Appropriateness 14-23.

On July 1st, 2014, Ralf Fahmy provided Staff with a response to the Board's decision.

The Appeal

On July 2nd, 2014, Ralf Fahmy filed an appeal of the Board's decision with Staff, supplying the written response to the Board's decision as the support document.

The appellant outlined the following concerns pertaining to the Board's decision:

- 1) Due to budgetary constraints, we are not able to finance the repainting of a mural.
- 2) Although the mural in question seems to depict an old world theme of Fort Pierce Trading Port, the mural itself signed 1995, does not seem to hold any historic value.
- 3) As current owners of the property on which the mural is located, it would be our preference that the wall be kept clear of any imageries.

The appellant further presented the following:

"In the spirit of community, we are willing to donate the same mural space once renovated, for your association to fund a new mural, your committee and ours would deem appropriate for the location. We hope you will agree to this resolution, as we believe it to be a fair middle ground."

Applicable Secretary of Interior Standards

- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- 5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- 9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Staff Position

The appellant expressed concerns to staff, via email and verbal communication, that moisture seeps through this particular exterior wall through "staircase cracks" rendering the inside of the wall prone to the accumulation of mold and mildew, while the rain further swells these cracks. The appellant further indicated that the proposal is the first attempt to seal this side of the building, in response to deterioration observed over the last two years.

The Historic Preservation Board reviewed and considered the request submitted by the appellant. The decision rendered by the Board asserted historic significance of the mural present upon the eastern wall of the subject structure. The Board contributed the historic context of the artwork and its contributions to the City of Fort Pierce Centennial Celebration as key factors supporting this determination. Based upon this determination, the request conflicts with Secretary of Interior Standards 2, 4, 5, & 9 as it seeks to remove historic character and distinct features and materials from which characterize the structure.

Staff finds the Historic Preservation Board appropriately applied Secretary of Interior Standard 2, 4, 5 and 9 in their decision to seek the preservation of the subject feature based upon the primary determination of historic significance.

The appellant has not provided any documentation pertaining to efforts or cost assessments associated with sealing the wall and mural to address the concerns of water permeation from this wall, while preserving the feature present. The appellant initially expressed concerns regarding the costs associated with financing the repainting of a mural and expressed interest in keeping the wall clear of imageries; however, it was further provided that the owners were willing to donate the same mural space, once renovated, for an association to fund a new mural.

Staff received inquiries and commitments from various parties interested in resolving the petition through the provision of services and materials, free of charge, to complete a new mural for the subject wall. These assurances were forwarded to the appellant for consideration, however the appellant responded with further concerns related to the proposal. The initial counter from appellant was that installation of a smooth stucco finish is cost prohibitive in relation to the originally proposed rough stucco. The committed parties indicated that funding would be provided to alleviate these increased costs. Staff met with the appellant to discuss the further commitments indicated, however the counter from the appellant developed the concern for restricting future alterations or improvements to the subject façade i.e. window installation; however it is noted that no formal applications or requests have been presented to or considered by the Board. An amicable resolution consistent with the appellant's letter of appeal was not achieved.

Staff Recommendation

The decision of the Historic Preservation Board is consistent with City Code Section 23-45, Guidelines for review and issuance of Certificates of Appropriateness as well as the U.S. Secretary of Interior Standards for the treatment of Historic Properties, therefore Staff recommends that the City Commission uphold the decision of the Board. The appellant would retain the capacity to compile documentation and information related to the represented position and submit for further review by the Historic Preservation Board.