

## Gregg Harding

---

**From:** Gregg Harding  
**Sent:** Wednesday, April 28, 2021 2:36 PM  
**To:** Teddy McBride  
**Subject:** FW: Florida Statute Chapter 626 Section 9744

Dear Mr. McBride,

Please see the below comments from our Assistant City Attorney, Heather Lindsay, regarding your concerns with Florida Statute Chapter 626, Section 9744 and how it might apply to an Architectural Review Board decision. I still have your item scheduled for the May 20 ARB meeting and will also include this correspondence as a memo. As we get closer to the meeting date, I will provide you with more information on the meeting itself. Please let me know if you have any questions in the meantime. Thank you for your time.

Best,

### Gregg Harding, RPA

*Historic Preservation Planner*

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1676

[gharding@cityofpensacola.com](mailto:gharding@cityofpensacola.com)



*Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*

---

**From:** Heather Lindsay <HLindsay@cityofpensacola.com>  
**Sent:** Tuesday, April 27, 2021 1:54 PM  
**To:** Gregg Harding <GHarding@cityofpensacola.com>  
**Cc:** Sherry Morris <SMorris@cityofpensacola.com>  
**Subject:** RE: Florida Statute Chapter 626 Section 9744

Dear Gregg,

Thanks for resending this. I have researched the statute. Mr. McBride is relying on a statute that regulates the insurance industry. Depending on what the ARB decides, he may be able to use that with his insurance adjuster to obtain the approval for the correct materials and appropriate coverage. The City ordinance would not be subject to waiver based on the insurance adjuster's opinion on materials.

Sincerely,  
Heather

## Heather F. Lindsay

Assistant City Attorney

Visit us at <https://www.cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Office: 850.435-1614

[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)



*Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*

---

**From:** Gregg Harding <[GHarding@cityofpensacola.com](mailto:GHarding@cityofpensacola.com)>

**Sent:** Tuesday, April 27, 2021 9:05 AM

**To:** Heather Lindsay <[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)>

**Cc:** Sherry Morris <[SMorris@cityofpensacola.com](mailto:SMorris@cityofpensacola.com)>

**Subject:** FW: Florida Statute Chapter 626 Section 9744

Good morning Heather,

I also wanted to follow up on the below email concerning a Florida State Statute and how it may apply to ARB. Mr. McBride is planning to be on the May ARB agenda. Maybe we can talk a little about this when we meet this afternoon. Thank you!

Best,

## Gregg Harding, RPA

Historic Preservation Planner

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1676

[gharding@cityofpensacola.com](mailto:gharding@cityofpensacola.com)



*Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*

---

**From:** Gregg Harding  
**Sent:** Monday, April 12, 2021 10:19 AM  
**To:** Heather Lindsay <[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)>  
**Subject:** FW: Florida Statute Chapter 626 Section 9744

Hi Heather,

Please see my email below regarding concerns from Mr. McBride, owner of 824 E. Belmont Street.

Thank you!

**Gregg Harding, RPA**

*Historic Preservation Planner*

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1676

[gharding@cityofpensacola.com](mailto:gharding@cityofpensacola.com)



*Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*

---

**From:** Gregg Harding  
**Sent:** Wednesday, April 7, 2021 5:04 PM  
**To:** Heather Lindsay <[HLindsay@cityofpensacola.com](mailto:HLindsay@cityofpensacola.com)>  
**Cc:** Sherry Morris <[SMorris@cityofpensacola.com](mailto:SMorris@cityofpensacola.com)>; Jonathan Bilby <[JBilby@cityofpensacola.com](mailto:JBilby@cityofpensacola.com)>  
**Subject:** Florida Statute Chapter 626 Section 9744

Dear Heather,

I received a phone call yesterday from Mr. McBride, owner of 824 E. Belmont Street – a contributing structure in the Old East Hill Preservation District. In January 2018, Mr. McBride was issued a permit to replace the wood siding on the rear of the house with Hardie board fiber cement siding. Although the permit was issued and closed, it did not receive review or approval by the Architectural Review Board.

Mr. McBride recently applied for another permit to replace most of the remaining wood siding on the house with Hardie fiber cement siding. The existing wood siding was damaged during Hurricane Sally and has been further deteriorating. Since ARB approval is needed and due to our new and improved permitting system, Mr. McBride was referred to me.

After explaining that ARB will not likely approve the use of fiber cement siding on a contributing structure, Mr. McBride brought to my attention Florida Statute 626.9744. This statute is related to insurance claims and a link is below. According to Mr. McBride, this statute presents him with an unusual hardship if ARB were to require the use of wood siding since Hardie board has already been permitted. This is because any replacement wood siding would not match the item, quality, or size of the newer, undamaged, and longer-lasting Hardie board. Overall, this inconsistency as it relates to the statute would severely degrade the value of the building.

I am not familiar with this statute and would like your advice on whether or not Mr. McBride's concerns are valid. I am also interested on how this statute might apply to the historic districts; specifically whether or not it has potential to effect the maintenance of historic buildings and how the statute might impact ARB review processes outlined in our Land Development Code.

[https://www.flsenate.gov/Laws/Statutes/2011/626.9744?back=https%3A%2F%2Fwww.google.com%2Fsearch%3Fclient%3Dsafari%26as\\_qdr%3Dall%26as\\_occt%3Dany%26safe%3Dactive%26as\\_q%3Dmatching+laws+statutes+in+Florida%26channel%3Daplab%26source%3Da-app1%26hl%3Den](https://www.flsenate.gov/Laws/Statutes/2011/626.9744?back=https%3A%2F%2Fwww.google.com%2Fsearch%3Fclient%3Dsafari%26as_qdr%3Dall%26as_occt%3Dany%26safe%3Dactive%26as_q%3Dmatching+laws+statutes+in+Florida%26channel%3Daplab%26source%3Da-app1%26hl%3Den)

Please let me know if you have any questions. Thank you very much for your time.

Best,

**Gregg Harding, RPA**

*Historic Preservation Planner*

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1676

[gharding@cityofpensacola.com](mailto:gharding@cityofpensacola.com)



*Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.*