



Planning Zoning Historic Preservation Division
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**AGENDA
REGULAR MEETING
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 08, 2020 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES

Present were: William Feldkamp, Chairman; David Cavorsi, Judith Fox, Bernard Guthrie, Robert D'Arinzo. Judith Just, Vice-Chair 6:19 pm. Also present were: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Pamala Ryan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Motion: B. Guthrie moves to accept the agenda; D. Cavorsi 2nd.

Vote: Ayes all, unanimous

APPROVAL OF MINUTES:

December 11, 2019 Regular Meeting Minutes

Motion: R. D'Arinzo moves to approve the December minutes as presented; J. Fox 2nd.

Vote: Ayes all, unanimous.

CASES

SWEARING IN OF STAFF AND APPLICANTS: Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION

1) Proof of Publication: provided within the meeting packet.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: J. Fox drove by the various project locations as did D. Cavorsi who also received a call from applicant for 920 S Lakeside Drive who wanted to ensure he had no questions. W. Feldkamp also received a phone call from 920 S. Lakeside but they did not speak; did speak twice to the applicant and architect for 230 North L Street after the last Board meeting but not since. B. Guthrie spoke to the applicant for 920 S Lakeside Dr. as did

R. D'Arinzo who is familiar with the properties and had a brief discussion with owner of 920 S. Lakeside Drive.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. Consideration of a Certificate of Appropriateness (COA) for the construction of a new +/- 1,495 square foot single-family residence at **417 South J Street (Lot 24)**; PCN#38-43-44-21-15-151-0240. The subject property is located in the Single-Family Residential (SFR) Zoning District and the Southeast Lucerne Local Historic District.

Staff: A. Fogel presents case findings and analysis. The project was continued from the December 2019 meeting due to applicant not meeting the courtesy noticing deadline. The subject lot received a variance in August 14 2019 for a 2.3 foot side setback as opposed to a 3 foot side setback. The subsequent lot separation now allows for new construction on the subject parcel. Exceeds parking requirement of one space for Single-Family 25 foot wide lot, applicant has provided two (2). Meets impermeable surface requirements. The siding will be smooth stucco on the 1st floor; either fiber cementitious lap siding on 2nd floor or a simulated stucco lapsiding as opposed to Hardisiding; a proposed metal roof with the option for an asphalt shingle roof. Staff has several recommendations on materials.

Applicant/Owner: Nestor Rivera and contractor Daniel Walesky are in agreement with conditions with the exception of #2 regarding the six (6) inch mull references applying cladding to the mullion. Condition #3 regarding the concrete buck or flange.

Condition #2 - the 6" mull, preference is a column since it is a wood structure but the width may vary slightly. As the size may vary Applicant would be comfortable working with staff on the issue.

Condition #3 - Because of the preference of utilizing the flange window (due to construction techniques in waterproofing the wood frame) the window will be recessed as much as possible.

The balance of the Conditions are reviewed.

Regarding the simulated stucco lap-siding vs Hardisiding, the contractor would like to keep the option open depending upon pricing. The contractor states a decision will be made at time of permit review.

Board: W. Feldkamp inquires as to whether the applicant would go with the corner boards? Applicant will do what staff prefers which he believes is the corner board. The windows will be banded, which aids in the appearance of a greater recess. B. Guthrie questions the distances between adjacent structures? The majority of the structure will be seven feet from the other structure. The second floor setback is five (5) feet.

Board: W. Feldkamp suggests a decorative walkway could enhance the property.

Public Comment: None.

Motion: B. Guthrie moves to approve HRPB 19-00100258 with staff recommended Conditions of Approval with the addition of Condition #10 the front walkway to be patterned or brick; work with staff regarding Condition #8 utilizing either fiber cementitious lap siding or simulated stucco lap siding; Condition #2 and #3 subject to staff review; based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations; R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

- B. Consideration of a Certificate of Appropriateness (COA) for the demolition of an existing non-contributing structure and the new construction of a ± 2,592 square foot multi-family structure at **230 North L Street**; PCN#: 38-43-44-21-15-046-0150. The subject property is located in the Medium Density Multi-Family Residential (MF-30) Zoning District and the Northeast Lucerne Local Historic District.

Staff: A. Fogel presents case findings and analysis. A similar request was heard in November and denied based on lack of harmony with surrounding properties (specifically proposed height, massing, and relationships of solids to voids). The applicant has provided 2 options. Option A is modular in design with 3 variations in exterior finishes and a total of 12 parking spaces. Option B features a different configuration of the modular units with a courtyard and a total of 14 parking spaces.

Architect: Alan Schulman speaks of Optionality in gaining consensus for approval of projects. In this instance arrangement and materials. Discusses Modularity and how one can choose to express the modular housing nature or not express the modular character. Modular really refers to the construction, the cladding is separate. With the endeavor to make everything flush, the feel of modularity will not come through but rather a slight cubic feel. Massing and materiality connect to tradition helping to eliminate modularity. Shows images of conceptual plan inserted into the streetscape showing what architect perceives to be compatibility connected to local traditions.

Board: J. Fox inquires about the size of the living space. Option A provides @ 400 square feet whereas Option B provides approximately 450 square feet plus the loft area. Screening is meant to eliminate the look of cantilevered carport area. B. Guthrie believes the plans are much improved from before but the roofline lends a boxy look. Option B with the lap-siding and courtyard brings it closer to what he would be looking for. The opening in the hedge leads into the courtyard and 2 other entrances in the private gardens of the 2nd floor units (patio under the units). J. Just asks if entrance to courtyard will be open or secured, has concerns with security. **Owner** Ezra Kassin, states it will remain open. B. Guthrie makes comparisons of the 25 foot lots having 19 foot wide structures on them and the proposed having 12 foot wide structures, that 400 square feet is rather small. **Owner** states the existing duplex is 800 square feet which makes each unit @400 square feet. **Architect** makes comparison of the neighboring structures which seem to have a five (5) foot setback. W. Feldkamp: It is much improved and asks if the architect has a preference for the siding.

Public Comment: 406 N K St -Marion Sullivan - was her grandfathers' house. Personally does not like the modular look, questions the preservation of the fruit trees, mangos. There are 2 trees and only sees one on the proposal.

231 N. M St.-Christian Kahler- and not what the founding fathers envisioned, not historic not what is around it.

229 N. M St.- currently share refuse would like to continue doing so; likes modern design but doesn't like this design.

902 S. Palmway Debra Tobias -believes it is well done, a bit of contrast and eclectic feel and will lift up the area.

231 N. M St. Kathryn Montero -as a neighboring property owner appreciates the improved re-design as well as the consideration given to her.

Staff also received 2 letters against the project which are entered into the record.

Will the trees be saved? Applicant response is yes the one large specimen tree at the northwest corner with both options.

Board: J. Fox asks if the roof cannot be stylized in some fashion? Architect states there is a small parapet although the straight parapet and flat roof can also be found in historic areas on stucco buildings. B. Guthrie asks if the siding is applied on-site and could a parapet be constructed on the structure once on-site? Mr. Kassin states it would not go with the design.

Owner: Ezra Kassin- Is in agreement with the four (4) conditions.

Board: W. Feldkamp expresses no preference for the finish materials but does prefer Option B despite the wish of the architect and owner to display the modularity. Believes the town would be more interested in Option B. Would like to have the Mango trees preserved. E. Kassin would have to do a tree survey to determine the canopy. D. Cavorsi favors Option B with the added parking. J. Just likes the look of Option A but the living space of Option B. J. Fox likes the streetscape of the step-down along L Street. Chairman reads the conditions of approval. B. Guthrie likes the lap-siding finish to better blend with the neighborhood. Staff states they are comfortable reviewing that item at time of permit review.

Motion: J. Just moves to approve HRPB 19-00100276 with staff recommended conditions and Option B based upon competent substantial evidence and pursuant to the City of Lake Worth Beach Land Development Regulations; D. Cavorsi 2nd.

Vote: Ayes all, unanimous.

- C. Consideration of a Certificate of Appropriateness (COA) for exterior alterations and the construction of a +/- 233 sq. ft. addition to the single-family residence at **217 South J Street**; PCN# 38-43-44-21-15-085-0240. The subject property is a contributing resource to the Southeast Lucerne Local Historic District and located within the Multi-Family Residential (MF-20) Zoning District.

Staff: J. Hodges presents case findings and analysis. Proposal is for addition to the front with a porch and additional enclosed living space, partial window replacement, exterior doors replaced with impact French doors. Concerns for the proposed exterior alterations and addition, along with the proposed reconfiguration of the front windows and removal of a gable end has led staff to propose an alternate design. Because there has been no response to these concerns, after speaking with the architect, additional conditions have been added assuring consistency with the City Historic Preservation Regulations and City Historic Guidelines.

Owner: Chris Couture **Architect:** Juan Contin – states the front wall needs to be rebuilt as it leaks. Provides photos and makes comparisons with other nearby properties.

Board: W. Feldkamp asks about asbestos siding. **Owner:** Beneath the asbestos, is the original clapboard. The gable ends will be scalloped cedar.

Public Comment: 427 S. J St.- David Wilson -In support of the project.

318 N. J St. and 427 S. J Street Elaine McCarthy- looks like a 1920's cottage, better than the old, appreciates the new look.

Architect: J. Contin states it is a historical hodgepodge since it has been pieced together over time.

Board: B. Guthrie-The proposed architecture is much better looking than the existing structure. Staff states the gable was on as early as the 1940's over a screen porch. W. Feldkamp states it might be interesting to see what the future addition with a gable end would look like. J. Just states if both buildings were built approximately the same time, would the windows not look similar? Staff concurs. Originally a double hung window and the openings are indicative of that. B. Guthrie: In the future could anyone distinguish that there had been a 3rd gable in the past? Staff response:

no it would not be obvious but houses are a record of themselves. W. Feldkamp asks what type of door is proposed? A 15-light door might be compatible.

Board: Chairman reviews Conditions of Approval.

Revise Condition #4 to remove 'asbestos' change to original lap siding;

Revise Condition #6 that the four (4) windows be retained. Owner states he can work with staff on keeping the four (4) windows.

Revise Condition #7- revise to be stepped down and narrowed.

Motion: D. Cavorsi moves to approve HRPB 19-00100264 with staff recommended Conditions of Approval based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations including staff recommended conditions and with the modification of:

- Condition #4 to read 'original wood siding' (delete asbestos), as reviewed by staff';
- Condition #6 'to mimic the existing four (4) windows;
- Condition #7-the new front porch roofline to be stepped down and slightly narrower per staff recommendation. R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

D. A request for a Conditional Use Permit and a request for Mural Installation for the contributing structure located at **921 Lake Avenue**, pursuant to but not limited to Sections 23.2-7, 23.3-14, and 23.5-4 of the Land Development Regulations. The subject property is located in the Downtown (DT) Zoning District and the Old Town Local Historic District.

Staff: J. Hodges presents case findings and analysis.

Representatives of Property Owner: Eduardo Estevez of Delray Beach restaurant operations consultant, Property Manager Miguel and Portuguese Artist David Arranhado. The challenge of bringing Turkish and Mexican culture together in the mural was presented to the artist.

The Forest depicts mythological aspects of Maya, Mexican culture and Turkish symbols. The mural was the inspiration for the name of the restaurant Somos Uno meaning we are all one of the same sky and worlds. Believes it can bring unity and respect of each other to all the citizens of the City.

Board: B. Guthrie questions if the mural will extend all the way to the front?

Staff: J. Hodges reviews the Conditions of Approval and in response Staff recommends the mural extend the full length of the west façade terminating at the brick façade and shall terminate before reaching the decorative parapet. The tree within the mural shall be re-positioned to ensure the window opening will not be obscured.

Public Comment: Debra Tobias 902 S Palmway- how did the smurf get painted near Too-Jays?

Board Attorney advises those comments should be reserved for general public comment as they do not pertain to the project at this location.

B. Guthrie wants to ensure the sidewalk is protected.

Board Attorney: Business License should be issued prior to the painting of the mural.

Motion: D. Cavorsi moves to approve HRPB 19-00000011 mural installation with staff recommended Conditions of Approval adding a 9th condition: Ensure sidewalk protection, based

upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations; B. Guthrie 2nd.

Vote: Ayes all, unanimous

Motion: D. Cavorsi moves to approve HRPB 19-00500008 with the staff recommended condition(s) based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations.

B. Guthrie questions the need for the Conditional Use Approval as the operation has been that of a restaurant/bar in the past. Staff advises that the lapse in maintaining a business license has caused the need for this Conditional Use review.

Vote: Ayes all, unanimous.

- E. Consideration of a Certificate of Appropriateness (COA) for the Demolition of the existing contributing single-family structure, an Economic Hardship Request, and a Certificate of Appropriateness for the construction of a new ± 7,435 square foot single-family structure at **920 South Lakeside Drive**; PCN# 38-43-44-27-01-033-0040. The subject property is a contributing resource to the South Palm Park Local Historic District.

Staff: J. Hodges presents case findings and analysis. The applicant/owner has submitted a 3 part request: Demolition, Economic Hardship, and New Construction Certificate of Appropriateness. Based on the demolition criteria, staff believes the structure should not be considered for demolition under regular circumstances. The owner has also submitted for an economic hardship due to ongoing mold remediation issues with an uncertain outcome. The owner states the structure is currently uninhabitable. The owner shall have the burden of proof to make the hardship claim. The building is structurally sound. The new construction plans and materials are presented to the Board. Several aspects of the proposal are atypical such as cascading hipped roofs, a front facing three bay garage, a monumental entryway porch all of which contributes to the proposal being minimally compatible with historic guidelines and regulations set forth in the ordinance.

Owner Agent: Wes Blackman, CWB Associates- Was asked to represent the case before the Board. The newly proposed setback would meet current code unlike the current setback. Brought in to look at the demolition criteria and arrange the hardship criteria of the project.

Architect: Adrianna Feingold- provided to staff new construction drawings as of today, addressing concerns that staff has; these are not included in the Board meeting packet.

Owner: Brendon Lynch- States that he was encouraged by William Waters to pursue the economic hardship after his wife began to feel ill shortly after moving into the house in 2009. Learned in 2015 of the mold problem which was an expensive test and then \$54,000 in remediation. Loves his house and does not want to watch it being torn down if granted the request. States in total he has spent approximately \$200,000 in remediation efforts, hasn't lived in the home since June 2019 and wears a mask when inside. His wife and children must enter a hyperbaric chamber due to swelling of the brain from living in the house. At 40 sessions and 2 hours per session, it becomes expensive. The roof was replaced in 2019 @ \$54,000.00 further proof that he never expected to be before the Board.

Architect: There have been 3 different revisions. Met with staff to gain insight since it is in a historic district. As the existing pool remains, they plan to expand to the north and south. The finished floor will be at ten (10) feet, flood zone requires 8 feet. The ceilings will be at ten (10) feet. The back porch is substantial as well as a 3 car garage, with approximately 4,500 square feet. Based on the recommendation that came back on Monday, there were revisions to the roof,

rotation of the garage, and addition of a wall. Stem wall construction with some fill. May not need a retaining wall since the lot is big, a civil engineer will design the drainage. The existing house is lower than existing code with regard to height of finished floor.

Staff: Received the revised plans on this day. Board may render decisions on demolition and hardship requests. Board asks if the plans have been reviewed? Staff responds, no they have not been fully vetted. Advertising requirements have not been met, so they may not go before the Board for action, advice can be given.

Public Comment: Cheryl Rashkin 1302 S Palmway-President of South Palm Park Association-many styles of historic properties in South Palm Park. Please grant demolition. Robert Morrison of 909 S. Lakeside Dr-It's the real deal. The height of the proposed structure will be the new "normal".

Board Attorney: Asks if the signed affidavit was signed and submitted as required by Code?

Owner Agent: The affidavit was not submitted. This testimony is under oath and can provide the document as a Condition. Interprets the Code as pertaining to anything that may be missing.

Board Attorney: In reading the requirements from Code notes the affidavit is a required document, not an option; and also that the receipts submitted did not indicate they were paid. The actual paid receipts, canceled checks or credit card statements are required for less stringent issues.

Owner Agent: With regard to the Hardship, he wanted to show the enormity of the problem. This is already a high bar for anyone to meet in terms of the economic hardship and now this action is foreshadowing future economic hardship on this family. As he knew this would come up, he did ask for the receipts, they were not there. Here is the actual applicant in person. Asks how the attorney would like to handle the documentation requested.

Board Attorney: The affidavit is a swearing to truth and accuracy of the evidence, not to cover missing items.

Board Chairman: Believes this is headed toward a continuance so it would allow the owner and agent time to gather the required documents.

Owner: This is what he was hoping to avoid, is paying rent as well as a mortgage. Every day that this goes by is more money out of his pocket. Doesn't understand how an affidavit could be better than his personal appearance before the Board.

Board Attorney: Since the demolition cannot move forward without the new construction COA approval which will come back before the Board in 30 days, does it really help?

Owner: Intent is to keep moving forward. States that staff said it meets code, they just don't like the details, is amenable to making the requested new construction changes.

Board Chairman: Reminded all that the revised plans have not been properly advertised. Technically, Board cannot move forward with the new construction so to rush with the demolition in light of documents that are not accounted for, would not be prudent.

Board: B. Guthrie thinks that Board has the latitude to allow Owner to provide the affidavit tomorrow and the amount of documentation is voluminous. The house is boarded up and has been for months. Once the demolition has occurred, the owner would now be at a new normal. The style could be changed, it would be a single story home but because of the elevation it is higher than the neighbors. J. Fox does not dislike the plans, but simply wishes to follow the advice of the Board attorney with respect to the legality of the process. D. Cavorsi concurs and does not

want to set a poor precedent; believes to approve the plans before staff reviews the plans would be dangerous.

Board Attorney: Reiterates that the bar, the standard for this type of request is very high and demands much information. It is not meant to be an easy standard to meet. Due diligence and caution needs to be exercised when granting the request. As this is a historic, contributing structure demolition is rarely allowed. The demonstration of Economic Hardship is difficult. The receipts need to show they are paid. Cautions about setting a precedent. The affidavit shall be notarized.

Owner: States he has 20 notaries that work for him, he can have the affidavit here tomorrow.

Board: Is the power and a/c on?

Owner: Two (2) dehumidifiers and A/C are running at the advice of professional mold remediators.

Board: Discussion on size of proposed structure in relation to the lot size and comparisons to neighboring properties. J. Fox re-iterates that the Board does not have the most recently submitted plans before them to review; no one is disputing that apparent fact it is a sick house. R. D'Arinzo states that the demolition goes to Tallahassee and a record of the proceedings are filed with the Historic Department Division of the Interior. The Board Attorney is advising the Board of possible legal ramifications of their decisions.

Owner: Does not understand why there cannot be a motion contingent upon the affidavit. Was not aware an affidavit. Owner says the Board can approve the demolition but not the plans.

Board: members state they will not go contrary to Board attorney advice.

Owner Agent: The Hardship section would be a good section of Code to re-write. When information is not available, an affidavit shall be filed. Board has the power to wave and issue the demolition independent of the new construction.

Board: J. Just questions why it has taken from July to January to come forward to ask for the demolition.

Owner: After putting on a new roof, after 19 different tests.

Board: J. Just recaps "decided to move in July and why it took so long to come forward, now we can't wait 30 days for the proper paperwork". Must follow the requirements, does not want to be rushed in making the decision. R. D'Arinzo asks for clarification on the demolition process and is there a checklist? Staff responds, there are release forms from various agencies and yes there is a checklist specific to the hardship request.

Board Attorney: The State Historic Division doesn't want the checklist and ordinance watered down. The standard is very high, they want it to be difficult and don't want staff and Board just handing them out. It all ties into the Certified Local Government status of the City as well as grants. All the "i's" need to be dotted and "t's" crossed.

Motion: R. D'Arinzo moves to continue HRPB 19-00100275 to next meeting. D. Cavorsi 2nd.

Ayes: 5 Nay 1 B. Guthrie dissenting.

PLANNING ISSUES: The recent decision of the City Commission to uphold the decision of Historic Preservation Board with regard the L&M Street project demonstrates the high standard that must be met in order to overturn a decision. The Board rendered a lawful decision and the City Commission upheld that decision. As 'ambassadors' in the City, Board members can remind

citizens that none of the structures can be demolished until a site plan is brought before this Board. In general, structurally sound homes that are boarded up will deteriorate.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: The slight restructuring of Community Sustainability resulting in William Waters resuming the role of Development Review Official and leading Planning Zoning and Historic Preservation; Mark Stivers will now lead Code Compliance, Building and Business Licenses.

BOARD MEMBER COMMENTS: J. Fox inquires as to when there will be a new Board member appointment. One was recently made, Osvaldo Ona, will join the Board at the next meeting.

ADJOURNMENT: 9:47 PM