



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 10, 2024 -- 6:03 PM**

ROLL CALL and RECORDING OF ABSENCES Present were: Robert D'Arinzo, Chair; Nadine Heitz, Vice-Chair; Elaine DeRiso; Edmond LeBlanc; Edmund Deveaux. Absent: Laura Devlin.

Also present were: Anne Greening, Senior Preservation Planner; Yeneneh Terefe, Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. November 8, 2023 Meeting Minutes

Motion: N. Heitz moves to approve the November 8, 2023 Meeting Minutes as presented; E. Deveaux 2nd. **Vote:** Ayes all, unanimous.

CASES

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

PROOF OF PUBLICATION

1) 603 North Ocean Breeze

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. **HRPB Project Number 23-00100140:** Consideration of a Certificate of Appropriateness (COA) for roof replacement at 611 7th Avenue North. The subject property is a non-contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential (SF-TF-14) Zoning District.

Staff: Y.Terefe provides case findings and analysis. Built in 1929 and recommended to be contributing according to the most recent survey. The original roof was a rolled composition replaced by asphalt shingles in the 1970's. The roof is a major, defining architectural feature. Standing seam is not a

recommended replacement according to the Dept of the Interior and City of Lake Worth Beach Design Guidelines.

Applicant: The applicant is not present.

Board: Question regarding why the structure is non-contributing? **Response:** Should the most recent surveys be approved/accepted/adopted by the City, the structure would be listed as contributing. Question as to whether there has been a conversation with the applicant regarding metal shingles as an acceptable alternative vs. standing seam?

Board: E. Deveaux would like to grant a continuance to allow the applicant an opportunity to attend next month. N. Heitz agrees.

Motion: E. Deveaux moves to continue **HP 23-00100140** to a date certain of February 14, 2024 to allow the applicant an opportunity to attend and speak before the Board; N. Heitz 2nd.

Vote: 4/1 in favor of granting the continuance. E. LeBlanc dissenting.

Chair – Robert. D’Arinzo recuses himself from Item B and departs the Dias. The property is adjacent to his property. Vice-Chair Nadine Heitz assumes the Chair.

B. HRPB Project Number 23-01500012: A request for a variance to allow a six-foot high fence in the front yard at 603 North Ocean Breeze. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is the Single Family Residential (SFR).

Staff: A. Greening provides case analysis. Positive findings are required for all four criteria in order to approve a variance.

A corner property is not unique in the City. All similarly situated properties are required to comply with the maximum front yard fence height; This is a result of unpermitted work.

The home has been a Single-family use for over 75 years, the shorter fence would not be considered a deprivation of reasonable use of the property.

A four-foot fence with a landscape screen on either side would provide the privacy expressed as a concern in the applicant justification.

The adopted 2013 LDR fence requirements are common throughout the US, not just Lake Worth Beach.

Board: Question regarding visual regulating of fence vs landscape. The height of plants/trees are generally not height regulated.

Applicant: Sean Waldeck – States he is a 20-year resident of the City and cites increased crime and how many calls PBSO receives within a 2-mile radius of his property within the last five years. There is a halfway house next door. There has been a burglary and a home invasion at the property. The fence provides security and improves the quality of life for his family. Code Compliance requested a trailer be placed behind the fence. The applicant displays photos of neighborhood properties with various fence heights.

Board: Question as to how to quantify those PBSO number of calls? has it increased? How would Board know that it is unusual? Is the vegetation objectionable? **Response:** It doesn’t provide as much security.

Board: Were you aware of the need for a permit for a fence? Was there work without permit? **Response:** In 2012 there was a permit for the fence, it has since (2020) been extended without benefit of a permit. It was built with the intent of providing a safe place for their daughter to play (who may now be @ 16 years old). The six-foot fence was erected 10 years ago and then moved forward of the front building line to the street.

Board: Expresses concern that he was cited and others may not be.

Board Attorney: The issue at hand is for a variance and not code enforcement.

Board Vice-Chair: We have no way of knowing what may come before the Board, perhaps more requests for variances in the future.

Public Comments: Board Secretary read 3 comments: Lisa Perez – 511 Lucerne Ave- questions why it exists as it does not meet code. Looks out of place and detracts from the community. Although crime and safety are stated as reasons for the fence, it appears it is to screen a large utility trailer.

Alex Cascella 531 N Ocean Breeze- states the fence causes no one an issue that the citing makes no sense or reason, it only bothers obnoxious code inspectors.

Barbara Swift 604 N. Ocean Breeze – Is in full support of keeping the fence as is, they have maintained the property very nice since she moved there in 2017. The property is on a street corner.

Vice-Chair acknowledges the comments however none of them address the criteria required to be met for approval of the variance. The Board has no purpose if an acceptable reason is “everyone else is doing it”. If everyone can do it why do we have Code? Please voice concerns to the appropriate department regarding code compliance issues.

Board: E. Deveaux would like to have more workshops, total overhaul of City Codes, what’s grandfathered in is grandfathered in.

Motion: E. LeBlanc moves to disapprove HRPB **23-01500012** as it does not meet the variance criteria based on the data and analysis in the staff report: E. DeRiso 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: Scott Rodriguez is Assistant Director for Planning & Preservation.

BOARD MEMBER COMMENTS: E. Deveaux -Laws are all wrong. Code Enforcement is not the issue. Workshop with public participation to re-work all this. Policy is the issue. Why do we pick and choose for the poor people? they don’t do that in the mansions on 5th Ave South with state of the art windows and doors. Do we tell people in Palm Beach what windows they can have? Absolutely not, not one day will we pick and choose for them. The person who wrote the Design Guidelines doesn’t even live in this town. Hear from the citizenry, input and implement it. Now we are a structural town. If you sell your house you loose the grandfathering and have to come up to code.

Board Attorney: As per the previous training presented when the Board first took office, City rules are set out in accordance with the State laws. This allows for the CLG status. All historic properties are treated the same in order to meet the CLG status requirements. There were extensive workshops prior to the adoption in 2018. There is a timeline to review the rules and regulations to make sure they are current and relevant. It really doesn’t matter what is occurring in the rest of the City, the Board is to here to preserve the Historic nature which includes the structure and the feel of the neighborhood. **Response:** E. Deveaux asks if City is infringing on First Amendment. **Board:** It is a choice to live in a Historic District. E. Deveaux questions if the Board is going to decide what doors windows and roofs will be allowed? Is that our job? **Board Attorney:** Yes that is exactly the job of the Board. **Board:** Can a portion of the City decide to opt out of a Historic District if they believe its too onerous?

Vice-Chair: Laws are frequently dictated by the State.

ADJOURNMENT 7:06 pm

