



**MINUTES  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, SEPTEMBER 15, 2021 -- 6:09 PM**

**ROLL CALL and RECORDING OF ABSENCES** Present were: William Feldkamp, Chairman; B. Guthrie, Vice-Chair (virtual); Judith Fox; Geoffrey Harris; Stephen Pickett; Ricardo Martin. Also present were: Abraham Fogel, Preservation Planner; Jordan Hodges, Senior Preservation Coordinator; Erin Sita, Assistant Director for Community Sustainability; Susan Garrett, Board Attorney; Sherie Coale Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA**

A Conceptual Review of 320 North Lakeside Drive will be added to Planning Issues.

**APPROVAL OF MINUTES:** None

**CASES**

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

**PROOF OF PUBLICATION**

- 1) 1001 North Lakeside Drive  
220 South L Street

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. HRPB Project Number 21-00100216:** A Certificate of Appropriateness (COA) for the construction of a new ± 540 square foot accessory dwelling unit located at **220 South L Street**; PCN #38-43-44-21-15-091-0070. The subject property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

**Staff:** J. Hodges presents case findings and analysis. The City Building Official condemned the garage, no COA is required for condemnations. With the proposal, 3 new parking spaces were added with access from the alleyway. Overall the new structure and design relates to the primary structure with materials, window types, trim and sill detail, roofing material and pitch. The single-story structure is inspired by the garage in location and massing.

**Architect for the applicant:** Geoffrey Harris-

**Board:** R. Martin would like to know if it is metered separately? **Response:** yes. J. Fox confirms it is multi-family and if there are 3 parking spaces off the alley; **Response:** yes. B. Guthrie believes it to be an improvement and ADU's are allowed in multi-family zoning districts. W. Feldkamp asks whether it is CBS? **Response:** no it is frame.

**Motion:** R. Martin moves to approve HRPB 21-00100216 with staff recommended Conditions based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. HRPB Project Number 21-12400003:** An Appeal of the Development Review Official's decision regarding the expansion of a legal non-conforming garage apartment at **1029 North Palmway**; PCN #38-43-44-21-15-298-0090. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is a contributing resource to the Northeast Lucerne Local Historic District.

**Board Attorney:** Explains the order of the appeal and that if any new factual information is presented, it should not be taken into consideration.

**Staff:** A. Fogel provides background information on the DRO decision to deny the approval of additional expansion into the non-conforming garage apartment. All filings were timely. The primary structure was constructed in 1940; construction of the garage apartment circa 1949. A code compliance case was initiated based upon a citizen complaint two days prior to the purchase by applicant.

**Architect for the applicant:** Requesting an exception to expand the use. Purchased the property based upon it being a larger apartment than it turned out to be. Has cleaned up the property and installed new landscaping.

**Applicant Bryan Sher:** Unaware of any code violations when purchased and did not find upon title search. Wants to follow the code, in it for the long term.

**Public Comment:** Porter Smythe-1101 North Palmway - in agreement with the DRO decision. Drawings only show the garage and a room, no kitchen, which would be required for the use as a separate apartment. The previous owner used the garage area as a separate unit and the realtor sold it as such.

Anthony DyJach – in agreement with the DRO decision. Contends the applicant listed the property for rent just six days after purchase and is currently rented with no active business license. States the new owner should take up the issue with the previous owner, contractor and realtor as a civil matter.

Bo & Erin Allen-208 S. Lakeside Dr: Has a long history with the parcel. The interior of the garage was incorporated as part of the living area. Nothing was done covertly, purchased it and did the renovation when Mr. Sanchez passed and sold it to Mr. Rendez subsequently selling to Mr. Sher. The neighbor had made the Sanchez's life miserable by turning them in for code violations.

Believes the title search did not show until after the closing and the decision should be overturned.

**Board:** S. Pickett – how should Board consider the fact that permits were issued for the work that was done.

**Staff:** A lien search is just that, a search for a recorded lien. A code violation is not a lien. If the use had been legally expanded, this situation wouldn't exist. There were roof replacement permits, window permits, mechanical, electrical, plumbing permits but no permits to be found for the enclosure of the garage bay.

**Board Attorney:** This appeal is really about the zoning determination that the property is not in compliance with the zoning.

**Board:** R. Martin asks if there are duplexes in the area since this is a Single-Family residentially zoned area? **Response:** There are, although those, properly permitted, may continue until either the use or structure ceases, they cannot be expanded.

**Staff:** Historic Resources Preservation Board has purview over this area regarding zoning decisions.

**Board Chairman:** This is a very narrow determination, was the DRO correct in the interpretation of the code. B. Guthrie-when the structure was constructed there were service quarters attached to the garage. **Staff:** There is no record of the conversion of the area, at some time the service quarters were recognized as a unit. Grandfathered uses are allowed on non-conformity provided it is in good standing. The garage apartment can remain but the garage stall will have to be turned back. Board empathizes with the new owner. B. Guthrie- points out there is no curb cut. Board Chair states this is not for the Board to decide on at this point. Will the room be unusable?

**Staff:** There are other options for use of the space. The conversion of the garage increased the required parking; if the space were re-converted to only living space, no kitchen, the parking requirement would not increase.

**Motion:** S. Pickett moves to deny HRPB 21-12400003 thus upholding the decision of the DRO disallowing the expansion of the legal non-conforming garage apartment; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. HRPB Project Number(s) 21-00100213 and 21-01600001:** A Certificate of Appropriateness (COA) for the construction of a new ± 840 square foot accessory structure and a historic waiver to exceed the accessory structure limitation for the property located at **226 South L Street**; PCN #38-43-44-21-15-091-0040. The subject property is located within the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

**Staff:** J. Hodges presents case findings and analysis. The property has previously received approval for multiple renovations along with approval for a Non Ad-Valorem Tax Exemption. In 2018 it was awarded a Historic Preservation Award. Proposed is a new two-story accessory structure, not an accessory dwelling unit. It must function in conjunction with the primary structure. The size limitation of accessory structures is 40% of the primary structure. This addition comes in at 136% of the primary structure. The applicant has applied for a historic waiver of that limitation. First floor is the garage. The second floor serves as the Master bedroom for the primary structure. The lower level is stuccoed with lap siding on the upper level with a flared Dutch gable roof. Similar to many 2-story garage buildings off the alleys found in the City's early development history. Staff reviews the Conditions of Approval.

**Applicant:** Anne Fairfax Ellett thanked the Board for the previous conceptual review and staff for their assistance. Would like to match the wood shingles as on the small addition and front overhand with the intent of re-roofing the main house roof. Change asphalt shingles to wood shingles in the condition #4

**Public Comment:** Cliff Kohlmeyer- 501 1<sup>st</sup> Ave S -supports the approval of the proposal and waiver. Richard Stowe- 414 N Federal Hwy. – supports the project and waiver. The issue with attaching a structure directly to a historic structure is the reduction in natural light, this proposal provides relief.

**Board:** G. Harris-the structure is very nice and appears to be taller than it will actually be. R. Martin inquires about the use of the historic waiver.

**Applicant:** Could have placed the addition, against the house by right. It wouldn't be a waiver if it was joined to the building.

**Staff:** A waiver is typically used for rehabilitation of existing contributing properties not currently in compliance with code (building lot coverage, setbacks etc..). Separating the structures better preserves the Historic building. There are no prohibitions to utilizing the waiver in this manner, for impervious lot coverage. It is available only to contributing structures. Because the primary structure is diminutive, this waiver will allow for more living space.

**Board:** B. Guthrie- inquires as to whether it is the minimum required to allow reasonable use of the land. If it were on a fifty-foot lot, it could be a garage apartment. J. Fox asks if the garage door is facing the courtyard? And it looks huge compared to the front of the small house

**Response:** yes, to pull through with a boat or for more than one car on the property. The streetscape is compatible and because it is set back on the lot, it appears shorter. S. Pickett-is there a minimum square footage for living space? The peak of the roof should be shorter than the primary. W. Feldkamp- would like the pitch to match the main structure. **Applicant:** the primary structure is a frame vernacular with gable roof. Hips and gable pitches are perceived differently. A hip roof with a pitch that was less would "read" lower. Is there a requirement for the garage door to be above the crown of the road? **Staff:** only when there is habitable living space.

**Motion:** G. Harris moves to approve HRPB 21-00100213 and 21-01600001 with staff recommended Conditions and the revision of Condition #4 (or wood shingles), based upon competent substantial evidence in the staff report pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; S. Pickett 2<sup>nd</sup> .

**Vote:** Ayes all, unanimous.

**D. HRPB Project Number(s) 21-00100214, 21-01500007, and 21-01500008:** A Certificate of Appropriateness (COA) for the installation of an inground pool in the front yard and variances from the front setback requirement and accessory structure location requirement for the property located at **1001 North Lakeside Drive**; PCN #38-43-44-21-15-296-0160. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Northeast Lucerne Local Historic District.

**Staff:** J. Hodges presents case findings and analysis. Although it is a corner lot, there is a 28-foot setback in the front and 22-foot setback on the rear of the property. One variance would be to allow for a reduced front setback, the other variance for the placement of an accessory structure in front of the primary residence. The variance criteria must be met. Although the Design Guidelines do not address pools in the front yard, it could visually impact the surrounding district as it is atypical for a pool location. Although the denial would not deprive the owner of

continued use, a pool in a reasonable expectation for a single-family home in South Florida due to context and climate.

**Applicant:** Melissa Larsen- back yard by alley would be too small for a pool, mature landscaping and the utilities would make it difficult for installation. The front of the house on 10th Ave N doesn't feel like the front since it has no front door in that area. There will be enhanced vegetation for privacy in the front.

**Public Comment:** None

**Board:** J. Fox- where is the front door? **Response:** Facing 10<sup>th</sup> Avenue North. S. Pickett states the home across the street has the same situation, it is the functionally the side yard. Pleased to see a fence with sufficient room for planting. W. Feldkamp asks about the size of the sight triangle as it looks larger than required. Doesn't care for the fence extending beyond the front door, lack of landscape plan, Board does not know what the fence will look like. **Staff:** Ten by ten for the sight triangle. As there is no sidewalk, it would explain the appearance. The existing picket fence is 4 foot in height. Staff states the landscape plan would be required at time of permit, this is a residential plan, not a commercial.

**Board:** Fencing for a pool typically is higher than 4-foot, however anything higher than 4-foot is not allowed in the front yard, so what would the fencing look like? A barrier fence could be used. Discussion over the required height of the fence.

**Applicant:** Want the plants to be taller than the fence, didn't plan on getting an architect to design the planting.

**Board:** B. Guthrie asks if the pool could be placed on the opposite side, notwithstanding the mature trees., it's prohibited in the front yard.

**Motion:** R. Martin moves to approve HRPB 21-00100214 with staff recommended Conditions for the installation of the pool in the front yard of the property based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements G. Harris 2<sup>nd</sup>.

**Board:** W. Feldkamp asks that the shrubs be installed at four (4) feet in height. B. Guthrie- no one seems to know the height or type of fence. Motion is amended for Condition #2 that the minimum height of the shrub hedging be installed at four (4) feet and that a landscape permit is required at time of permit.

R. Martin agrees to amendment of the Condition # 2, G. Harris 2<sup>nd</sup>.

**Vote:** 4/2 motion carries, B. Guthrie, W. Feldkamp dissenting.

**Motion:** R. Martin moves to approve HRPB 21-01500007 with staff recommended Conditions for a variance to allow a 10'-6" front setback for the new pool based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; S. Pickett 2<sup>nd</sup>.

**Vote:** 5/1 motion carries, B. Guthrie dissenting.

**Motion:** R. Martin moves to approve HRPB 21-01500008 with staff recommended conditions for a variance to allow the installation of the pool in the front yard, whereas accessory structures are not permitted between the principal structure and the street based upon the competent substantial evidence in the staff report pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; G. Harris 2<sup>nd</sup>.

**Vote:** 5/1 motion carries, B. Guthrie dissenting.

**E. HRPB Project Number 21-00100076:** Consideration of a Certificate of Appropriateness (COA) for window replacement for the property located at 518 South L Street; PCN #38-43-44-21-15-167-0070. The subject property is a contributing resource to the Southeast Lucerne Local Historic District and is located in the Single-Family Residential (SF-R) zoning district.

**Staff:** A. Fogel presents case findings and analysis. On October 7, 2020 a code compliance case was initiated for unpermitted work for the installation of new windows. Shortly thereafter a permit application was received and disapproved due to the lack of application materials such as glass specifications, Certificate of Appropriateness application and keyed photos. Correspondence ensued with the property owner regarding options for administrative review or Board review. Because the windows were already installed, the owner chose Board review. In July 2021 a completed application was provided by the applicant. The scope of work was amended to include replacement of all windows since none of the installed windows received a building permit or preservation approval. If approved the unpermitted windows could remain. Staff is recommending denial because the VLT (visual light transmittance) is below the newly reduced minimum of 60 %, it is at 49%. The proposal is inconsistent with Goal1.4 of the Comprehensive Plan which encourages preservation and rehabilitation. The Historic Preservation Design Guidelines provide suggestions for successful replacements. Windows, are one of the most character defining features on a structure and certainly one of the commonly replaced items.

**Applicant:** Madeleine Burnside-States she was a member of the Board from 2015-2018. Was extremely “freaked out” hurricane Dorrian of 2019 and was willing to accept any fines caused by installation of windows without permit. Has re-stuccoed front and side, placed solar on the roof, damage from where a portico was removed. States house has been messed about with a great deal. Was unaware there was a restriction on the VLT. Looked it up on the State website and found suggested as low as 65 %. States no ordinance can prohibit renewable resource installation of clothesline or other energy device, solar protection should be equivalent to a clothesline that doesn’t consume energy as does a clothes dryer.

**Board:** B. Guthrie mentions that had she applied for permits, there would have been information available to her, she was on the Board and would have known that not only would it require permits but consideration by the Historic Preservation Board. This could have all been initiated back in 2020. Inclined to deny and bring into compliance. G. Harris- how does building code egress requirement mesh with Historic Board requirement. **Staff:** Try to marry the two so long as it doesn’t decrease the egress, not required to come up to current code. W. Feldkamp agrees with B. Guthrie, the lack of a permit, the tint, they appear to be flanged windows, generally there is no recess to the window in the sill. It is contrary to the progress made over the years with respect to the Guidelines. S. Pickett- This is generally a code issue; people generally board up in the face of a hurricane. Despite the historic degradation, there should be an attempt to keep the historic characteristics. J. Fox believes it is just one of many that does work without permit.

**Motion:** S. Pickett moves to deny HRPB 21-00100076 because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; J. Fox 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous

### **PLANNING ISSUES:**

Conceptual review of 320 North Lakeside Dr

J. Hodges explains the changes to the connection between the house and addition and change or orientation to the gable ends on the addition.

**Property owner** - Per Lorentzen – Believes the appearance of the façade facing the street has decreased in size.

**Board:** J. Fox questions the streetscape change with the part of the house to the east. B. Guthrie asks about the height of the connector, the eave height is higher with the gable end oriented north and south. W. Feldkamp questions if the terrace is necessary. General consensus that the gable re-orientation combined with the connector from last week will work well. G. Harris suggests a wrapping stairwell as in a Mediterranean style home.

**Property owner** -Rachel Lorentzen states the terrace could remain with the connector from last week. The cost was not as prohibitive as previously thought. The rooflines become complicated.

**Board:** G. Harris suggests a band of clerestory windows to break up the massing and lower the height. W. Feldkamp suggests a change to the slope of the connector. S. Pickett would hope the windows could be more generous in size on both the addition and connector.

**PUBLIC COMMENTS:** (3 minute limit) None

**DEPARTMENT REPORTS:**

- A. Historic Old Town Commercial District: Recognition of the 20th anniversary of the historic district listing on the National Register of Historic Places.

This is the 20<sup>th</sup> anniversary of the creation of the Historic district Old Town. It was created on May 18, 1999 with Ordinance 99-17. The downtown was then nominated for the National Register.

Jordan Hodges is leaving the City for new opportunities in the Town of Palm Beach.

**BOARD MEMBER COMMENTS:** All Board members concur that the staff reports provided are always clear, complete and it's easy to understand the issue at hand.

**ADJOURNMENT** 9:22 PM