



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 21, 2022 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [301 8th Ave North](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [HRPB Project Number 22-01500002: A request for a variance to allow a 6-foot high fence in the required setback for the property located at 301 8th Avenue North; PCN #38-43-44-21-15-224-0090. The subject property is a non-contributing resource within the Northeast Lucerne Historic District and is located within the Single-Family Residential \(SF-R\) zoning district. The future land use designation is Single Family Residential \(SF-R\).](#)
- B. [HRPB Project Number 22-00100239: Consideration of a Certificate of Appropriateness \(COA\) for window, door, and siding replacement for the single-family house located at 216 South J Street; PCN# 38-43-44-21-15-087-0090. The subject property is a contributing resource within the Southeast Lucerne Historic District and is located in the Low-Density Multi-family \(MF-20\) zoning district. The future land use designation is Medium Density Residential \(MDR\).](#)

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.

THE
LAKE WORTH HERALD

Published Once a Week
Lake Worth, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

BEFORE the undersigned authority personally appeared MARK J EASTON, who on oath says that he is PRESIDENT of *The Lake Worth Herald*, a weekly newspaper published at Lake Worth in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

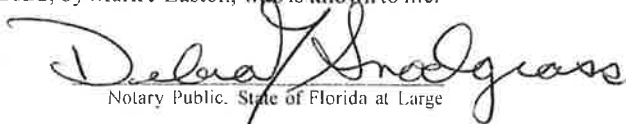
Notice of public meeting of the City of Lake Worth Beach Historic Resources Preservation Board to consider HRPB Project #22-01500002 to be held on September 21, 2022, in the City Hall Commission Chambers, 7 North Dixie Highway, Lake Worth, Florida,

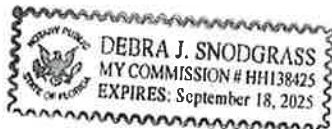
was published in said newspaper in the issue of
September 8, 2022

Affiant further says that the said *The Lake Worth Herald* is a newspaper published at Lake Worth, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, each week and has been entered as second class mail matter at the post office in Lake Worth, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


MARK J EASTON

SWORN TO AND SUBSCRIBED before me this 8th day of September, 2022, by Mark J Easton, who is known to me.


Notary Public, State of Florida at Large



Legal Notice No. 40900

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **September 21, 2022 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #22-01500002: Consideration of a variance to allow a six-foot high fence in the required setback for the property located at 301 8 th Avenue North. The subject property is located in the Single-Family Residential (SFR) zoning district and the Northeast Lucerne Local Historic District. PCN#38-43-44-21-15-224-0090.

The public can view the meeting via YouTube, <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available: <https://lakeworthbeachfl.gov/government/advisory-board/agendas-and-minutes/>

Public comment will be accommodated in person at the meeting, or virtually through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, email historicpreservation@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2 nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Historic Resources Preservation Board to consider a minimum of one (1) full business day prior to the date of the meeting. **Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or historicpreservation@lakeworthbeachfl.gov.**

If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email historicpreservation@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.

Printed: The Lake Worth Herald
September 8, 2022

9/8/22

City of Lake Worth Beach
Finance Services

SEP 8 2022



MEMORANDUM DATE: September 14, 2022

AGENDA DATE: September 21, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **301 8th Avenue North**

FROM: Department of Community Sustainability

TITLE: HRPB Project Number 22-01500002: A request for a variance to allow a 6-foot high fence in the required setback for the property located at **301 8th Avenue North**; PCN #38-43-44-21-15-224-0090. The subject property is a non-contributing resource within the Northeast Lucerne Historic District and is located within the Single-Family Residential (SF-R) zoning district. The future land use designation is Single Family Residential (SF-R).

OWNER: Giovanna Dominguez Timor
301 8th Avenue North
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

The single-family structure located at 301 8th Avenue North was designed in a Masonry Vernacular architectural style by the architect James Robinson. The 1966 architectural drawings are included in **Attachment A**. The drawings illustrate a single-story residence of masonry construction with a smooth stucco exterior finish, tar and gravel roof, awning windows, and jalousie doors. Character-defining features include an integral front porch, raised planter beds, simulated brick detailing, and simulated shutters. City permit records indicate the building has had alterations over time, including permits for the installation of exterior doors, electrical and mechanical upgrades, and fencing. However, the structure retains its original roof, windows, and exterior detailing, and as such, the property retains a high degree of historic integrity of location, setting, materials, and design. Photos of the existing property are included in **Attachment B**.

PROJECT DESCRIPTION:

The property owner, Giovanna Dominguez Timor, is requesting a variance to allow a 6-foot high fence along the side property line fronting 8th Avenue North without the required 30" setback and landscape screen. The subject property is located on the southwest corner of 8th Avenue North and North Ocean Breeze in Lake Worth Beach. The parcel is located within the Single-Family Residential (SF-R) Zoning District and has a Future Land Use (FLU) designation of Single-Family Residential (SF-R). The property owner's application and survey are included in **Attachment C**.

The application will require the following approval: **Variance** to allow 29 linear feet of 6-foot high fencing along 8th Avenue North without the required setback or landscape screen

BACKGROUND:

- On January 8, 2019, building permit #19-49 was submitted to install new fencing at 301 8th Avenue North.
- On January 18, 2019, Staff failed the permit because the height of the fence was not indicated and the required 30" setback for a landscape screen was not provided along 8th Avenue North.
- On February 6, 2019, Staff approved the permit resubmittal, which was also issued on the same day.
 - The Development Review Official DRO at the time, Mark Stivers, interpreted the lot as having a dual frontage. Therefore, fencing along 8th Avenue was allowed to be installed along the property line with a maximum height of 4 feet (without the required 30" setback for a landscape screen) as is permitted for front yards.
- On August 2, 2019, a building permit extension request was submitted for Building Permit #19-49 to provide additional time to complete the work.
- On February 13, 2020, a revision to building permit #19-49 was submitted.
- On February 24, 2020, Staff approved the permit revision.
 - The 30" setback for a landscape screen was added as a condition of approval, as a portion of fencing along 8th Avenue North was proposed with a height of 6 feet.
- On June 28, 2020, the property owner emailed the City Manager, Michael Bornstein, to discuss the fence permit.
- On June 30, 2020, Staff emailed the property owner to schedule a conference call to discuss the fence permit.
- On July 1, 2020, Abraham Fogel (Preservation Planner) and Erin Sita (Assistant Director, Community Sustainability Director) called the property owner to discuss the fence permit.
 - Call Summary: The lot was interpreted as having a double frontage, fencing along 8th Avenue can have a maximum height of 4 feet (without a 30" setback for a landscape screen) or a maximum height of 6 feet (with the 30" setback for required planting). Any further relief from these requirements would require a variance reviewed by the Historic Resources Preservation Board (HRPB).
 - The property owner agreed that all fencing along 8th Avenue North would have a maximum height of 4'. Staff assisted with a building permit revision and making corrections to the plans.
 - The call is summarized in a July 2, 2020, email to the property owner.
- On July 23, 2020, the permit revision was approved by Staff.
- On September 30, 2020, the City Attorney, Pamala Ryan, emailed the property owner in response to the request that a 6-foot high fence along 301 8th Avenue North without the required setback and landscape screen be approved by Staff. As previously indicated, a variance reviewed by the HRPB would be required for this type of relief.
- On October 9, 2020, a permit revision was submitted to install a 6-foot high fence along 8th Avenue North without the required setback and landscape screen.
- On October 16, 2020, Staff failed the permit as the proposal conflicted with the City's Land Development Regulations.
- On January 5, 2021, Staff met with the property owner on-site to inspect the fence.

- On January 6, 2021, Staff approved a fence revision to install a 4-foot high fence along 8th Avenue North, in accordance with the interpretation given by the DRO.
- On April 26, 2021, a building inspector issued a courtesy notice of violation (#12059) because a 6-foot high section of fence was installed without the required setback in violation of the approved permit. The property owner was given 30 days to correct the violation.
- On May 3, 2021, Staff sent the property owner a completeness review in response to a Universal Development Application that was submitted requesting a variance to install a 6-foot high fence fronting 8th Avenue North without the required 30” setback and landscape screen. Staff received a complete application by May 6 and the item was scheduled for the June 9th HRPB meeting.
- On June 9, 2021, the variance request was denied by the HRPB as the proposed variance did not demonstrate compliance with the variance finding, including that there were “special circumstances peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings and that this is not the result of an action of the applicant. “
- On June 23, 2021, Staff sent the property owner a formal result letter documenting the HRPB's denial of the variance request.
- On June 23, 2022, the property owner submitted a new Universal Development Application requesting a variance to install a 6-foot high fence fronting 8th Avenue North without the required 30” setback and landscape screen, citing [LDR Section 23.2-26\(d\)](#) (“Any variance denied under this section may not be brought back for consideration for at least twelve (12) months following the date of the result letter of the appropriate review body's decision.”) Staff received a complete application by August 1, 2022, and the item was scheduled for the September 21st HRPB meeting.

STAFF RECOMMENDATION:

The proposed variance request is not consistent with LDR Section 23.4-4(d)(1)(D). The applicant has not established by competent and substantial evidence that the strict application of the LDRs would deprive reasonable use of the land. Therefore, Staff is recommending denial of the proposed variance.

PROPERTY DESCRIPTION:

Owner	Giovanna Dominguez Timor
General Location	Southwest corner of 8 th Avenue North and North Ocean Breeze
PCN	38-43-44-27-01-005-0090
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)

LOCATION MAP:



ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is intended primarily to permit the development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. The variance being sought does not change the use of the property as it is a fence height variance. As such, a formal consistency review of the strategic plan and comprehensive plan is not applicable to an improvement of this scale. However, it is important to note that the proposed improvement would visually impact the district, including the specific intersection as corner properties with 6-foot-high fencing at the intersection of 8th Avenue North and North Ocean Breeze have all met the setback and landscaping requirement when 6ft high fencing was utilized. Two of the four properties at the intersection have 6ft high fencing with a landscape screen.

Consistency with Land Development Regulations

Zoning

The proposed 29 linear feet of 6-foot high fencing along 8th Avenue North conflicts with the development requirements in the City's Zoning Code, specifically height limitations for fencing in single-family and two-family uses. The property is located in the Single-Family Residential (SFR) Zoning District. Based on the [LDR Section 23.4-4\(d\)\(1\)\(D\)](#):

<u>Required by Code</u>	<u>Proposed</u>
Along side and rear property lines adjacent to roadways (except alleys) a fence shall have a maximum height of six (6) feet and must be set back a minimum of thirty (30) inches from the property line providing a landscape screen maintained at a minimum height of twenty-four (24) inches (see definitions). *	29 linear feet of 6-foot high fencing along a side property line adjacent to a roadway (8 th Avenue North) <u>without</u> a minimum of thirty (30) inches from the property line and <u>without</u> providing a landscape screen maintained at a minimum height of twenty-four (24) inches.

** Landscape screen (or "landscape hedge"): A line, row, or group of plant material installed and maintained at a minimum height of twenty-four (24) inches so as to form a continuous buffer acting as a visual screen that may include shrub hedging or decorative landscaping.*

Variance Request

According to the City of Lake Worth Beach, Land Development Regulations, [Section 23.2-26 Variances](#), the power to grant any such variance shall be limited by and be contingent upon documentation that all required findings are made by the appropriate Board. As a property located in the Northeast Lucerne Local Historic District, the HRPB is tasked with making the required findings to grant a variance. The following addresses each of the required findings for the requested variance. In addition, the applicant's justification statement is included as **Attachment D**.

Variance criteria per LDR Section 23.2-26(b):

- A. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings and that this is not the result of an action of the applicant;

Staff Analysis: Homes located on corners are a common condition throughout city blocks and within the Northeast Lucerne Local Historic District. The DRO's interpretation was that the lot had a double frontage, and allowed fencing along 8th Avenue to have a maximum height of 4 feet (without a 30" setback for a landscape screen) or a maximum height of 6 feet (with the 30" setback for required planting). As the circumstances of the corner lot are common and relief was offered through the DRO's interpretation to address concerns related to privacy, the proposed variance does not meet the intent of this criterion. **Does not meet the criterion.**

- B. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought;

Staff Analysis: The property was constructed in the 1960s as a single-family structure. Strict application of the LDRs that would require fencing along 8th Avenue to have a maximum height of 4 feet (without a 30" setback for a landscape screen) or a maximum height of 6 feet (with the 30" setback for required planting) according to the DROs interpretation. Either of the fence configurations would not deprive the applicant of reasonable use of the land as a single-family structure. **Does not meet the criterion.**

- C. That the variance proposed is the minimum variance which makes possible the reasonable use of the land or building;

Staff Analysis: The variance is not required for reasonable use of the land. A landscape screen on either side of the fence can provide additional privacy which is a concern expressed in the applicant's justification statement. **Does not meet the criterion.**

- D. That the granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare. In deciding appeals from decisions of the development review official or in granting variances, the decision-making board is authorized and required to impose any reasonable conditions and safeguards it deems to be necessary or desirable, and violation of such conditions or safeguards when made a part of the terms under which a variance is granted, shall be deemed to be a violation of these LDRs.

Staff Analysis: The granting of the variance may have a negative visual impact on the surrounding neighborhood. The 30" setback and landscape screen is required to create a visual buffer between 6'-0" high fencing and the sidewalk. Fencing directly abutting sidewalks can create a less-than-desirable appearance over time. Further, directly north of the subject property, 801 North Ocean Breeze, was issued a building permit in 2017 to install a 6-foot high fence along 8th Avenue North which provides the required setback and landscape. **Does not meet the criterion.**

Historic Preservation Analysis

Pursuant to Ordinance 2017-27, fences were removed from the historic preservation ordinance. As a result, fences within the historic districts are only reviewed for compliance with zoning requirements.

PUBLIC COMMENT:

At the time of publication, Staff received ten (10) public comments in favor of the variance request. The public comments are included in **Attachment E**.

CONCLUSION:

The proposed variance request is not consistent with [LDR Section 23.4-4\(d\)\(1\)\(D\)](#). Staff has not made positive findings for the criteria set forth in [LDR Section 23.2-26\(b\)](#) to grant a variance. The applicant has not established by competent and substantial evidence that the strict application of the LDRs would deprive reasonable use of the land. Therefore, Staff is recommending denial of the proposed variance.

POTENTIAL MOTION:

I MOVE TO **DENY** HRPB Project Number 22-01500002, a variance to allow 29 linear feet of 6-foot high fencing along 8th Avenue North without the required setback or landscape screen for the property located at **301 8th Avenue North**, because the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **APPROVE** HRPB Project Number 22-01500002, a variance to allow 29 linear feet of 6-foot high fencing along 8th Avenue North without the required setback or landscape screen for the property located at **301 8th Avenue North**, as the [Board member to states reasons variance meets variance criteria].

ATTACHMENTS:

- A. Property File Documentation
- B. Photos
- C. Universal Development Application and Survey
- D. Applicant Justification Statement
- E. Public Comments

Justification Statement – June 17, 2022 Variance Request

301 8th Avenue North, Lake Worth Beach FL 33460

Giovanna Dominguez Timor/Gabriella Noel Mazzone, Resident/ Owners

21-01500005

* This Variance Request is a duplicate to Variance Request made in May 2021; which was heard by the HRPB on June 9th, 2021. The code allows the property owner to make application for a previously denied variance twelve (12) months after the date included on the result letter; which is June 23, 2022. See code section below:

(d) Variance denial. Any variance denied under this section may not be brought back for consideration for at least twelve (12) months following the date of the result letter of the appropriate review body's decision.

* There have been and continue to be special circumstances and conditions which exist and which are indeed peculiar and unique and that are not to be found in the area, nor that are the result of any action by us – the residents.

This home sits on the corner of 8th Avenue North just East of Federal Highway. It shares an alleyway with a Church located on Federal Highway. This alley leads to one of two "side yards" - this one being the only usable outdoor space available. Due to the design and position of the home, the home has no back yard. The "actual" back yard consists of 6.5 feet.

The front door of the home sits directly on 8th Avenue North. The only green space along the entire front of the home is approximately 8 feet wide and this "slice" of green space continues along 8th Avenue North until the end of the property at the alleyway. Adjacent to this slice of green space is a two car driveway that leads to the garage. On the other side of the driveway is found the only mature tree (Mahogany) on the entire property that can be used to sit under and enjoy the outdoors. This side yard is accessible both through the garage door and the rear kitchen door.

We are uniquely exposed to passing vehicular, bicycle and pedestrian traffic traveling both north and south on Federal Highway, as well as along 8th Avenue North and along the alley. We also contend with a parking lot through the adjacent church's fence located at the alleyway that provides zero visual screening from the aforementioned traffic. This condition is unique when compared to other properties in the area.

This entire boundary fence project was permitted, and approved. The section that is at a height of 6 feet starts on the south side of the property between our property and our only neighbor to the south and continues for 112 linear feet until it reaches the alley, where it continues along the alley to enclose this side yard until it ends at the visibility triangle that terminates along 8th Avenue North.

From the visibility triangle; which ends upon 8th Avenue North, and then east along the remaining 29 feet touching upon 8th Avenue North were we mandated to keep the height to four feet in order to avoid a 30 inch setback. There is no room on the property for this due to the location of the driveway, and the minimal green space, and the grade of the lot. A setback within this space would also injure the root system of our maturing trees and also force a break in the fence line that would also prevent the installation of a 3 foot wide gate at the edge of the walkway located on 8th Avenue North that we use to transport our refuse, vegetation bins, and recycling bins onto 8th Avenue North for pick up from their storage location on the south side of our home. (back yard 6.5 ft. wide)

This situation along this small section of fence forced us to endure a set of circumstances that have included theft, harassment and regular intrusion from the wondering public who leaned over that 29 foot section of fence to solicit us inside our own property and that have daily threatened our privacy and security. My daughter literally refused to spend time outside in order to avoid being cat called and harassed while hanging laundry, washing her car, or just sitting outside reading a book or taking sun.

While we have secured the support of a large number of City Officials, we are at a loss to understand why we have been unable to secure support for our situation through the use of the “spirit” of the code.

Finally in April 2021, we raised the height of the 29 foot section to 6 feet in conflict with the code and we were issued a violation within 18 hours.

In May 2021, we filed for a variance and attended the HRPB meeting on June 9th, 2021. Despite the merits of our case, our variance request was denied.

Since then, we have enjoyed both privacy and security along 8th Avenue North, and have continued to enjoy the positive comments about our home and fence from neighbors and passersby who continue to admire our home.

Since then, we have been compelled to respond to several efforts to force compliance; which has now led to the placement of a lien against our home that will serve to bankrupt me and my daughter especially given our current financial situation if not removed.

All of this has taken place despite a desperate need for privacy and security for two residents who have brought what is best about humanity to our community.

All of this has taken place because our house is uniquely different in several ways not found anywhere in the area and needs to be evaluated individually using the “spirit” of the code and in behalf of the residents who can be otherwise trapped and punished by it.

We have installed a privacy screen against the chain link fence belonging to the church with which we share the alley, with permission from the Pastor in order to secure some privacy from Federal Highway along the 16 foot opening to our driveway after we were also denied a permit for a Rolling Gate in September 2021. (See Photo)

We were advised that no permit could be issued due to an open code compliance case. We applied for the Rolling Gate Permit when our installer called to tell us he had secured a used 16 foot gate that had been rejected by another client, that he would sell to us at a great discount, but as soon as he heard that we did not

secure the permit, he sold it to someone else and so we lost a great opportunity for a Rolling Gate we could actually afford and that would complete our privacy and security efforts.

*The strict application of the provisions of this chapter will continue to deprive me and my daughter of reasonable use of our very limited outdoor space; which is doubly impacted by proximity to Federal Highway.

*Granting this variance will certainly be in accordance with the spirit and purpose of the chapter, and will certainly not be in any way injurious to either property, the surrounding neighborhood, nor in any way detrimental to the public welfare.

It is a fence project that has always been admired and that continues to be admired for its artistic beauty, and seamless continuity. It is more importantly necessary for the welfare of our family, who like every other family on earth; need to enjoy both privacy and security at home. Letters of support were previously submitted by our neighbors, and I am certain will be cheerfully submitted again to be read into the record. It is the minimum variance that will allow for the peaceful enjoyment of our single family property.

There are fourteen (14) photos attached to this packet for review. There is also a copy of the most recent revision request and supplement letter dated September 28th, 2020 that were part of an ongoing effort to seek help for our situation.



MEMORANDUM DATE: September 14, 2022

AGENDA DATE: September 21, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **216 South J Street**

FROM: Department of Community Sustainability

TITLE: HRPB Project Number 22-00100239: Consideration of a Certificate of Appropriateness (COA) for window, door, and siding replacement for the single-family house located at 216 South J Street; PCN# 38-43-44-21-15-087-0090. The subject property is a contributing resource within the Southeast Lucerne Historic District and is located in the Low-Density Multi-family (MF-20) zoning district. The future land use designation is Medium Density Residential (MDR).

OWNER(S): Jason Maki
216 South J Street
Lake Worth Beach, FL 33460

CONTRACTOR: Jason Maki (Owner/Builder)

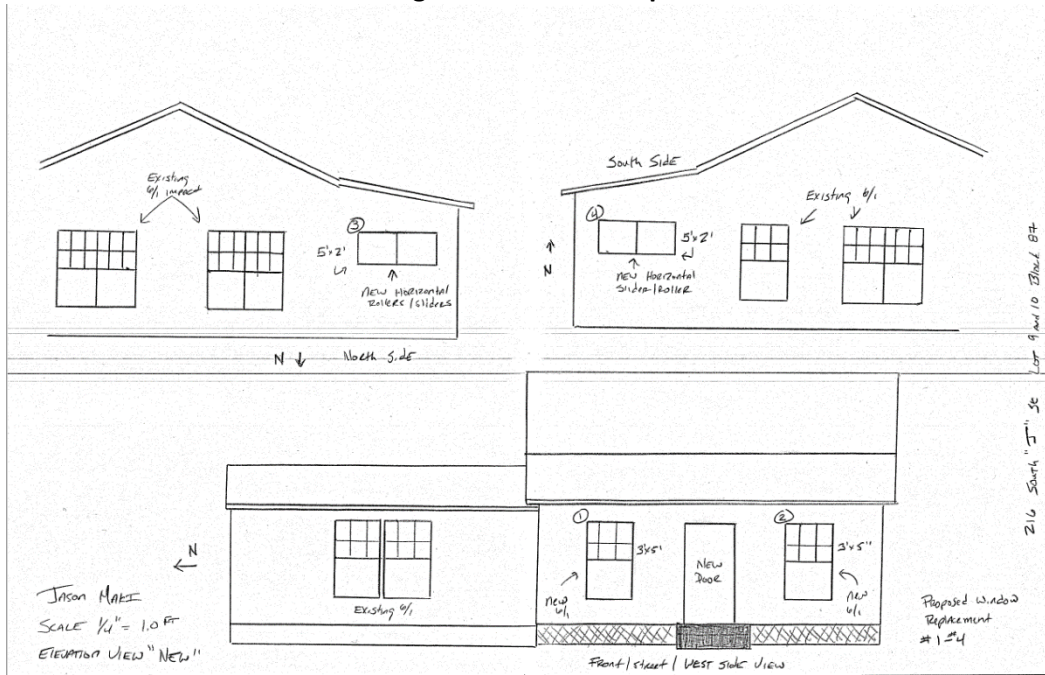
PROPERTY DEVELOPMENT HISTORY:

According to the property appraiser's files, the two-story structure was constructed in 1925. The property is listed on the Florida Master Site File (FMSF) as PB19712. Its National Register eligibility has not been evaluated by the State Historic Preservation Officer (SHPO). Several modifications have taken place over time including the addition of a detached garage in 1940, a Florida room addition in 1978, a screened room addition in 1993, a side addition in 2016, and window replacements in 2019.

PROJECT DESCRIPTION:

The property owner, Jason Maki, is requesting a COA for window, door, and siding replacement for the single-family house located at 216 South J Street. The subject property is located on the east side of South J Street between 2nd Avenue south and 3rd Avenue South. The property owner proposes installing horizontal roller or awning windows in two of the openings; these styles of windows are not appropriate for the Wood Frame Vernacular architectural style.

Exhibit A: Existing Windows and Proposed Windows



Proposed window replacement and roof extension to cover front door and step.

Exhibit B: Existing Windows



Existing windows and examples of windows replaced in 2018.

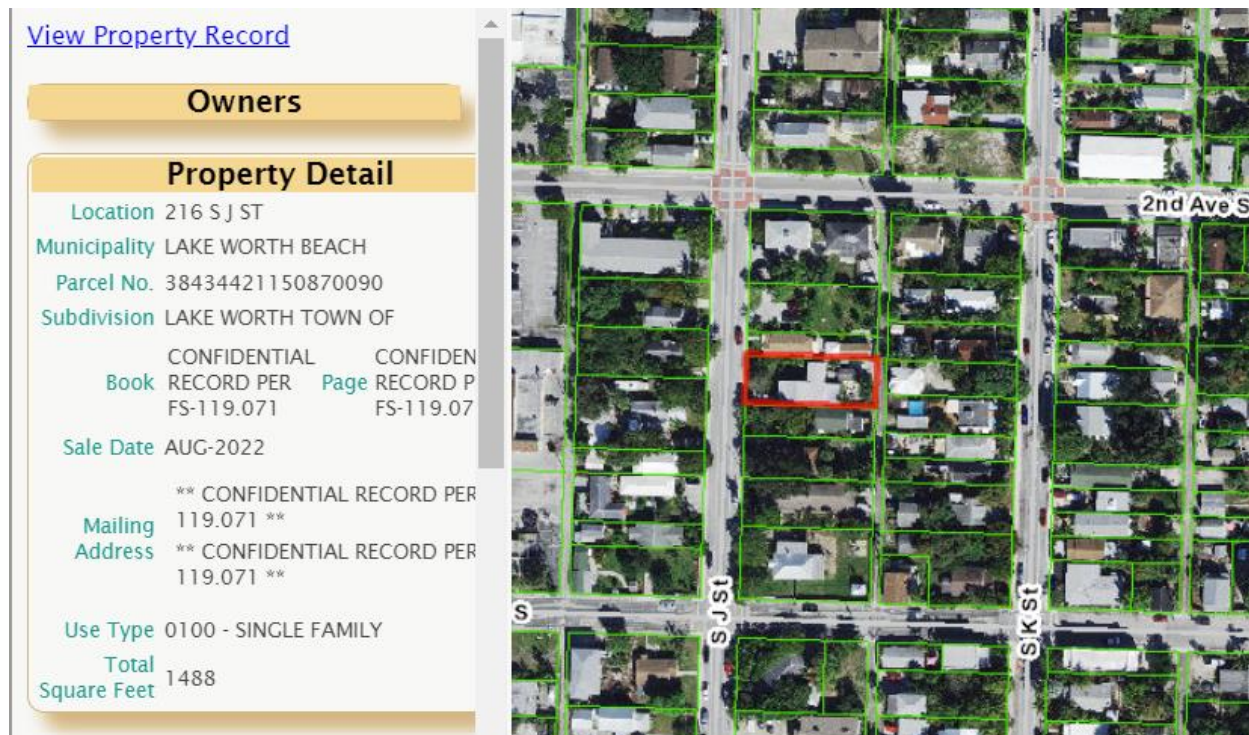


Existing windows and examples of windows replaced in 2018.

STAFF RECOMMENDATION: Staff is recommending denial of the proposed horizontal roller and/or awning windows (#1 and #4) based on the requirements in the Historic Preservation Design Guidelines. Staff recommends changing the proposed horizontal roller or awning windows to six over one single hung windows to match the existing and proposed six over one single hung windows.

Owner	Jason Maki
General Location	The east side of South J St. between 2 nd Avenue S. and 3 rd Avenue S.
PCN	38-43-44-21-15-087-0090
Zoning	Southeast Lucerne Historic District
Existing Land Use	Low Density Multi-family (MF-20)
Future Land Use Designation	Medium Density Residential (MDR)

LOCATION MAP:



Consistency with the Comprehensive Plan

As proposed the project would not be consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City’s Historic Preservation Ordinance to the extent feasible. Per the City’s Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. If the applicant were to follow staff recommendations to change the proposed horizontal roller or awning windows to single hung six over one windows, then the proposal would then be consistent with the comprehensive plan.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City’s Historic Preservation Design Guidelines provide a guide for compatible windows for historic structures within the historic districts. Windows are amongst the most important character-defining architectural features, but they are also one of the most commonly replaced or added features of a building. The addition, replacement, or modification of windows should match the original features in design, color, texture, and other visual qualities and, where possible, materials. The Wood Frame Vernacular architectural style typically featured double hung, single hung, or casement windows as described in the Wood Frame Vernacular section of the City’s Historic Preservation Design Guidelines.

Staff Analysis: The window replacements are depicted in the applicant’s drawings (see attachments). Based on the City’s Historic Preservation Design Guidelines, staff contends that the proposed horizontal roller or awning replacement windows are not appropriate replacements for the architectural style.

Section 23.5-4(k)(3)(A) – Review/Decision

Certificate of Appropriateness

All exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City’s Historic Preservation Ordinance, detailed in the section below. The Wood Frame Vernacular architectural style section of the City’s Historic Preservation Design Guidelines is included as **an attachment**.

Section 23.5-4(K)(1) *General guidelines for granting certificates of appropriateness*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: Based on the existing original windows and the City’s Historic Preservation Design Guidelines, staff contends that portions of the proposal (horizontal roller or awning windows) are *not successful* in replicating the original window design. The applicant has provided a justification statement included as an attachment.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed window replacement will have no direct physical effect on any surrounding properties within the Southeast Lucerne Local Historic District.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: Per the regulations set forth in the City’s Historic Preservation Design Guidelines, replacement windows shall replicate the appearance of the original windows. While the six over one single hung windows are appropriate replacements for the original windows, the proposed horizontal roller or awning windows are not appropriate replacements.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: No, denial of the COA would not deprive the applicant of reasonable use of the property.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: Yes, the applicant's plans can be completed in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The proposal as written is not in compliance with the City's Historic Preservation Design Guidelines, Secretary of the Interior's Standards for Rehabilitation, or the City's Historic Preservation Ordinance (LDR Sec. 23.5-4). Replacement of the proposed horizontal roller or awning windows with six over one single hung windows would bring the proposal into compliance.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The structure is designated as a contributing resource within a local historic district. The resource is a Wood Frame Vernacular building, which has a distinct set of architectural characteristics. The horizontal roller or awning windows are not appropriate to this architectural style.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.* In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines: *Landmark and contributing structures:*

- A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

Staff Analysis: Not applicable; no change to the use of the property is proposed.

- B. Are the distinguishing original qualities or character of a building, structure or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

Staff Analysis: No original features are being removed.

- C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

Staff Analysis: Overall the proposed changes are visually compatible with neighboring properties.

D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

Staff Analysis: Alterations in size are being requested. However, the requested size alteration will not adversely affect the historical appearance of the structure.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

Staff Analysis: The applicant has not requested replacement with windows and doors that are less expensive than what is being proposed.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

Staff Analysis: With the exception of the two horizontal roller or awning windows, the proposed windows and doors seek to match the old design in a manner that is compatible with the Wood Frame Vernacular architectural style of the building.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

Staff Analysis: Not applicable, the applicant has not requested to be availed of this paragraph.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has not received written public comment.

CONCLUSION:

The proposed application is not consistent with the Wood Frame Vernacular architectural style and the Historic Preservation Design Guidelines requirements. Staff has provided conditions of approval below:

Conditions of Approval

- 1) Replacement windows shall be six over one configuration to match existing windows on the rest of the house.
- 2) New window trim, sills, and mullions shall match original, subject to staff review at permitting.
- 3) The replacement door shall be a door that is consistent with styles identified for Wood Frame Vernacular architecture in the Design Guidelines subject to staff approval at permitting.
- 4) The windows and door shall be recessed within the wall and shall not be installed flush with the exterior wall.
- 5) All divided-light patterns shall be created utilizing exterior raised applied muntins. Exterior flat muntins or “grills between the glass” shall not be permitted.
- 6) All siding repairs shall match the original in shape, size, profile, and configuration.

POTENTIAL MOTION:

I MOVE TO **APPROVE with conditions** HRPB Project Number 22-00100239 for a Certificate of Appropriateness (COA) for window, door, and siding replacement for the property located at **216 South J Street**, 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.

I MOVE TO **DENY** HRPB Project Number 22-00100239 for a Certificate of Appropriateness (COA) for window, door, and siding replacement for the property located at **216 South J Street**, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- Applicant’s supporting documentation
- Wood Frame Vernacular Design Guidelines