



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 12, 2021 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [April 14, 2021 HRPB Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [Proof for 15th Ave S - Birthday Cake Castle](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

- A. [HRPB Project Number 21-00100071: Consideration of a Certificate of Appropriateness \(COA\) for window and door replacement for the property located at 801 North Palmway; PCN #38-43-44-21-15-232-0160. The subject property is a noncontributing resource to the Northeast Lucerne Local Historic District and is located in the Single-Family Residential \(SF-R\) Zoning District.](#)**
- B. [HRPB Project Number 21-00100074: A request for a Certificate of Appropriateness \(COA\) for the demolition of a ± 115 square foot rear enclosed porch and the construction of a new +/- 1,234 sq. ft. addition for the single-family residence located at 122 South K Street; PCN #38-43-44-21-15-047-0060. The subject property is located within the Medium Density Multi-Family Residential \(MF-30\) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.](#)**

NEW BUSINESS:

- A. HRPB Project Number 21-00100083: Consideration of a Certificate of Appropriateness (COA) for the installation of a bronze metal panel roof for the property located at 222 South Lakeside Drive; PCN #38-43-44-21-15-101-0030. The subject property is a contributing resource within the South Palm Park Local Historic District and is located within the Low-Density Multifamily Residential (MF-20) Zoning District.**
- B. HRPB Project Number 21-00500001: Consideration of a Conditional Use Permit for the operation of a Bed and Breakfast Inn, Castle La Florentia, for the property located at 1 5th Avenue South, also known as “The Birthday Cake Castle”; PCN #38-43-44-27-01-005-0090. The subject property is a contributing resource to the South Palm Park Local Historic District and is located in the Single-Family Residential (SF-R) Zoning District.**

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.



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, APRIL 14, 2021 -- 6:10 PM**

ROLL CALL and RECORDING OF ABSENCES Present were: William Feldkamp, Chairman; B. Guthrie, Vice-Chair; Judi Fox, Geoffrey Harris, Stephen Pickett, Robert D'Arinzo (virtual).

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. Peter Ringle, Building Official. William Waters, Director for Community Sustainability.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

Staff advises of agenda item 808 S. Palmway, a conceptual review, to be added to Planning Issues as Item B.

Motion: B. Guthrie moved to approve the agenda as amended; J. Fox 2nd.

Vote: Ayes all, unanimous.

APPROVAL OF MINUTES:

A. March 10, 2021 Meeting Minutes

Motion: B. Guthrie moved to approve the minutes as presented; S. Pickett 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 Provided in meeting packet.

1) LW Herald Proof of Publication

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: G. Harris will recuse himself from Item E; B. Guthrie will recuse himself from Item B; W. Feldkamp discloses he spoke to head of Parrot Cove Association regarding Flood plain issues.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. HRPB Project Number 20-01500002: Consideration of a variance from base flood elevation requirements of the Florida Building Code for the single-family residence at **312 North Palmway**; PCN 38-43-44-21-15-100-0030. The subject property is located in the Single-Family Residential Zoning District (SF-R) and is a contributing resource within the Old Lucerne Local Historic District.

Staff: J. Hodges gives history of the original structure and the evolution of the structure to this point in time. The project was initially submitted via the permit process and eventually received a Certificate of Appropriateness. The Building Division later failed the permit based upon the need to elevate to nine (9) NAVD. As the structure was a contributing resource, there was the option to apply for relief by variance through the Historic Preservation Board. An independent appraisal of the property and structure was provided and was found to be valued at \$264,000. An improvement is considered substantial when it exceeds 50 % of the pre-improvement value according to the valuation on the permit. In this case the substantial improvement value threshold (to avoid raising the elevation of the entire structure) was 87K and the permit value was declared at 80K. After the permit was issued and the construction had begun, unforeseen structural deterioration and termite infestation caused the structure to be stripped down to the framing, the roof also was included. The result being the substantial improvement threshold was surpassed and the applicant is now in need of a variance from the Florida Building Code regarding the base flood elevation as it pertains to the contributing historical property. Any elevation change may change the contributing status. The existing structure has been at the existing elevation for 82 years. The initial application included work to restore the garage and windows to the original appearance. Staff continues to work with the applicant to revise the COA to include compatible siding and trim replacement as outlined in the Historic Preservation Design Guidelines due to the substantial deterioration.

Staff: The building official, Peter Ringle supports the variance request as the applicant has worked in good faith with the original substantial valuation being so close, the damage to the siding was not included. The scope of the work gradually crept higher and higher.

Board: Chairman, W. Feldkamp, asks how public can be made aware?

Staff: The Building Official states it is one of the first items he addresses when receiving plans. E. Sita mentions there was outreach to Parrot Cove and staff is open to doing presentations in the various neighborhoods, FEMA has conducted meetings and both Advisory Boards had presentations with an eventual presentation to the newly seated Commission.

Board: If not located in a Historic District, would this be a demolition? **Response:** If outside the District, they would have to elevate; a non-contributing structure within the District would also have to elevate. All Board members concur with staff regarding the granting of the variance.

Public Comment: None

Motion: B. Guthrie moved to approve HRPB 20-01500002 with staff recommended Conditions of Approval based upon the competent substantial evidence in the staff report pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation Guidelines. J. Fox 2nd.

Vote: Ayes all, unanimous

B. HRPB Project Number 21-00100069: A Certificate of Appropriateness (COA) for a ± 175 square foot addition for the single-family residence located at **116 5th Avenue South**; PCN #38-43-44-21-15-165-0010. The subject property is located within the Multi-Family Residential (MF-20) Zoning District and is a contributing resource to the South Palm Park Local Historic District.

Note: Board Vice-Chair Bernard Guthrie recused himself from the item, left the chambers and did not vote.

Staff: A. Fogel presents case findings and analysis. Known as Lakeside Castle, the property has experienced various changes over time including the addition of a swimming pool, carport addition, roof replacements, stucco repairs and interior remodeling. As the side and rear setbacks are legal non-conforming, the addition will not increase the non-conformity, it is to the west or front, the legal frontage. A condition of approval is that the site plan be changed to reflect South Palmway as the legal frontage. Other conditions include that the maximum lot coverage calculation only include the first floor footprint. Regarding base flood elevation, the structure as it currently exists does not meet new FEMA requirements. However, lateral additions do not constitute a substantial improvement in structures constructed in the A-zone pre-FIRM. The first map was published 1974 and the structure was constructed in 1925. The estimated cost of improvement is \$50K with the assessed value at \$602,042 in 2020. The proposed addition will house a new bathroom and closet. A pair of 3/3 double hung windows will be repurposed on the west elevation; a new impact 3-light casement window will be used on the north elevation. An existing window opening and chimney base will be concealed by the addition but remediated with the repurposing of the 3/3 double hung that otherwise would have been removed.

Motion: S. Pickett moves to approve HRPB 21+00100069 with staff recommended Conditions of Approval 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 2nd.

Vote: Ayes all, unanimous.

C. HRPB Project Number 21-00100071: Consideration of a Certificate of Appropriateness (COA) for window and door replacement for the property located at **801 North Palmway**; PCN #38-43-44-21-15-232-0160. The subject property is a noncontributing resource to the Northeast Lucerne Local Historic District and is located in the Single-Family Residential (SF-R) Zoning District.

Staff: J. Hodges presents case findings and analysis. Constructed in 1997, the property has had alterations over time including the addition of a pool, roof replacement, installation of hurricane shutters and a/c upgrades. Initially a COA was not submitted with the permit, after which the subsequent COA submittal failed as it did not meet Historic Preservation Design Guidelines with regard to VLT (visible light transmittance) standard of 70% or more. Otherwise the COA could have been approved with the in-kind replacement of the requested windows and doors. Windows and doors are one of the most character defining features of a home as well as one of the most commonly replaced items. No proof has been provided indicating the VLT of the current windows for comparison to the requested tint. Pursuant to the COA matrix, a non-contributing property is only reviewed for windows and doors visible from the street. As a corner lot the majority of the windows are visible from the street. Staff does not recommend approval as it is non-compatible within the district and perpetuates a non-conformity of a structure built prior to the establishment of the district in 2002.

Board: W. Feldkamp inquires as to whether the new windows have already been purchased?
Response from Raudel Pola: Yes, due to the manufacturing lead time prior to the hurricane season. Also mentions that the label shown with the VLT of .10 is the incorrect label, the actual VLT is .49

B. Guthrie asks if there is a way to determine what the existing window VLT might be? Short of hiring an independent consultant, not possible. Staff has spent considerable time was not able to locate any information on the glass. B. Guthrie asks if the .49 windows closely replicates the existing, could there be a side-by-side comparison of installation in the field and an in-kind decision made by staff?

Staff states that as the scope is different due to data error, photos in the field could be taken and brought back to Board but staff will not be making the determination that is the correct glass. G. Harris asks how the initial choice or determination was made? **Response:** there were three options-.71 clear glass; .49 (the purchased glazing); .10. Ordered less tinted glass, the mid-point of Lawson's offerings.

Applicant: Windows are on the jobsite.

Board: B. Guthrie – would like staff to make the decision if it is in kind whereas staff prefers the Board make the determination.

Chairman would like it brought back to the Board. S. Pickett asks if the prior manufacturer is known and could a professional take a look and make a determination?

Motion: G. Harris moves to continue HRPB 21-00100071 to the following Board meeting; S. Pickett 2nd.

Vote: Ayes all, unanimous.

D. HRPB Project Number 21-00100074: A request for a Certificate of Appropriateness (COA) for the demolition of a ±115 square foot rear enclosed porch, the construction of a new ± 789 square foot addition, and the construction of a new ± 409 square foot accessory structure for the single-family residence located at **122 South K Street**; PCN #38-43-44-21-15-047-0060. The subject property is located within the Medium Density Multi-Family Residential (MF-30) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

Staff: J. Hodges presents case findings and analysis. At the previous HRPB meeting this item was heard as a conceptual design. Primary discussion items included the massing, visual compatibility of the two-story addition and utilization of a hyphen to distinguish between old and new. The rear porch, although not contributing, it is in the style and is now over 50 years old; Board should make a determination as to whether it is has gained significance over time and should be retained. The addition and accessory structure both meet all code setbacks and impermeable/lot coverage requirements. The submittal included a hyphen which should connect to the primary structure beneath the overhang rather than tying into the roofline, the other revision was to alter a window on the west façade. The accessory structure will not be eligible for a rental license as an accessory dwelling unit (ADU) as the lot does not meet the lot area and width requirements to allow for multiple dwelling units. Staff recommends re-design or denial.

Architect for the owner-Juan Contin/Faten Almosawi: Is a bit surprised by the staff recommendation. Is in agreement with connecting the hyphen below the roofline. In an effort to increase visual compatibility, the addition was made thinner than the primary structure, believed the smooth stucco to be a good contrast between the old and new but is willing to change to a

vernacular wood if that is more appropriate. Mention is made of the container, modular project approved nearby.

Board: G. Harris- It is blunt due to the contrasting with surrounding structures. There doesn't appear to be a relationship to the primary structure. The front perspective and streetscape seems out of scale. W. Feldkamp asks whether there is a parking requirement for a project this size. Perhaps moving the accessory structure forward by eight (8) feet to provide a perpendicular parking spot. Applicant confirms there is a parking space to the rear of the accessory structure. Staff confirms a parallel spot could be provided. R. D'Arinzo- This is a lot of addition on a little lot. Confirms the accessory structure is extra living space not an ADU. W. Feldkamp- prefers a flat roof instead of a pitched roof, a color that would cause it to recede, would like to retain the screened porch rather than demolition, questions the permeability, the connecting hyphen is too narrow, the new addition is narrow and symmetrical in the front and should be the same as the rear, the 'swoopies' should remain within the rear facade and not wrap around. S. Pickett -There is a better way to integrate into the neighborhood, it is not compatible and the massing is too large. W. Feldkamp suggests flipping the arrangement of primary, addition and accessory, however staff reminds of the prohibition of the accessory building being between the primary structure and the Right-of-way.

Faten Almowasi explains the client's request and how the addition became so large (in order to obtain the square footage for the accessory structure), the laundry/porch area made it difficult to provide a nice transition area.

G. Harris – Points out the streetscape appears to be out of scale; believes the fenestration in the addition could have more rhythm causing a better relationship to the primary structure.

Applicant: Believed the Board response last time was much more positive, in particular the hyphen. Perhaps the city has not had the opportunity to have a project like this, wants to move forward.

Board: G. Harris believes the addition could be more visually empathetic by gently moving it back into the lot, that way it wouldn't be as stark and confrontational to the streetscape. Landscaping such as trees could also aid in obscuring, softening the structure.

Motion: G. Harris moved to continue HRPB 21-00100074 to a date certain of May 12, 2021; S. Pickett 2nd.

Vote: Ayes all, unanimous.

E. HRPB Project Number 21-00100075: A Certificate of Appropriateness (COA) for a ± 427 addition for the single-family residence located at **130 North Ocean Breeze**; PCN #38-43-44-21-15-030-0080. The subject property is located within the Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Old Lucerne Local Historic District.

Please note the architect for the project, Board Member Geoffrey Harris, has moved to the chamber floor as presenter for the case. He will be giving his presentation for his client, the applicant, and recusing himself from the Board discussion and vote.

Staff: A. Fogel presents case findings and analysis. A brief re-cap shows the Board approved a COA for the conversion of the existing garage, a waiver for the rear setback and variance from the base flood elevation on this parcel in February 2021. As the proposed lap-siding provides a flat appearance when compared to the existing siding material, staff recommends an alternate material more compatible with the Frame Vernacular style (board & batten or staggered shingle) than the proposed cementitious lap siding. This also will provide the distinction between addition

and original. This recommendation comes as the profiles are similar yet not an exact match and they meet on a visible corner. The window openings have also been conditioned to include mullions of a minimum of 4 inches encased in cementitious material.

Architect for the Applicant: The client would like to maintain the cementitious lapping. The architect did look at other materials. As the addition is small and a change won't make a significant impact, the cementitious siding should be allowed and a corner board could be used where they meet. Regarding the windows in Condition #5, they will mimic the other window, and prefers a single hung 1/1 rather than 2/2.

Board: R. D'Arinzo – knows the house well and that there were some repair issues to the siding. Concurs with the window assessment by the architect. W. Feldkamp inquires about the shutters, will they be removed or replicated elsewhere? The applicant would like to replicate the existing clamshell shutters. Would like the gable end brackets moved to align with the upper edges of the window. The applicant is wanting to put a simulated vent in the north facing end of the addition. In which case the brackets could be eliminated. Staff concurs it could be reviewed at time of permit.

Public Comment: None

B. Guthrie would suggest a corner board at the transition

Motion: B. Guthrie moves to approve HRPB 21-00100075 with staff recommended Conditions of Approval based upon competent substantial evidence pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements with amendments to the Conditions as follows: Condition #11 to read "The addition's siding shall be separated from the original building by minimum four (4) inch corner boards"; Condition #5 shall be stricken; S. Pickett 2nd.

Vote: Ayes all, unanimous

PLANNING ISSUES:

A. Conceptual Plan Review for the property located at **321 North L Street**; PCN #38-43-44-21-15-090-0211.

Geoffrey Harris, architect-The proposed addition to the existing structure is in the Frame Vernacular style, coincidentally it is one of the examples in the Design Guidelines. Proposing to add onto the primary structure in order to provide the square footage necessary for the construction of an accessory structure. The two-story addition will have a second-floor deck/balcony facing west. The property to the south has a two-story structure to the rear of that lot. It is connected to the primary structure by an extension of the hip roof. Board members find it to be less intrusive.

Board: The view from the south has a busy appearance with the dormer.

Mr. Harris states he could lower the hip roofline but the stairway is in this location, possibly eliminating the dormer although the light is nice in the stairwell. There will also be landscaping to obscure the height. In the addition, the ceiling will be slightly lower as the floor elevation will remain the same throughout.

Board: J. Fox finds this proposal to be less intrusive. R. D'Arinzo likes the proposal. W. Feldkamp suggests the L-shape area could be eliminated, it might be better if there were just a hip roof. He does not like the look of the "pop-up". As with the previous project, there is no hyphen. A breezeway could be used although it would be considered one building.

Mr. Harris states with an accessory structure one can build closer to the alleyway. S. Pickett likes the look although the massing is more visible from the street, perhaps a flat roof w/ parapet would help. Consensus: The massing is the biggest issue, to make the addition subordinate could be achieved with diminutive architectural features. G. Harris is willing to consider looking at modulating the height as the structure goes back through the lot and even consideration to the making it one structure through a breezeway.

B. Conceptual Plan Review for the property located at 808 S. Palmway (addition to the published agenda)

Staff presents the conceptual idea which is a request for the screen porch windows. The applicant would like the windows on the sunroom to have a darker tint of @ 60% VLT and perhaps more full view windows. The reasoning/justification is the rear of the contributing structure is not seen. Originally built as a room to receive sunlight.

Board: It should meet the requirements of 70 % VLT (visual light transmittance) and follow code. It was built as a sunroom to receive sunlight on a cool winter day. Board members concur the guidelines are in place for a reason. If it were not a contributing structure, it would go through building permit review. They do not want to set any type of precedent for allowing any windows with less VLT. Low-E is allowed as well as windows with 70% VLT, but not lower. Clear glass is warranted and is the historically correct replacement. This property is in an AE flood zone. Residents don't realize the benefits of being a contributing structure in a flood zone such as the exemption from the Building Code requirement of having to elevate all structures for substantial improvements. The approval matrix states all sides of a contributing structure are reviewed while the review for non-contributing structures are only the sides that are visible from any street. At some point the line has to be drawn. The Board goes above and beyond with the 70% VLT which does provide energy savings. Rules are rules and the granting of exceptions can be a slippery slope.

Staff: The non-contributing determination is made via the Historic Grant survey process. The owner previously inquired about the replacement of the front window however no application was submitted after the inquiry and options were provided. Industry trends are toward a lower VLT as well as new products that are close to clear.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: W. Feldkamp expresses his dislike of pop-ups behind primary structures and need to find a resolution.

ADJOURNMENT: 9:31 PM

Legal Notice No. 38470

PLEASE TAKE NOTICE that due to the Novel Coronavirus Disease 2019 (COVID-19) emergency, the City of Lake Worth Beach's Historic Resources Preservation Board will conduct a virtual meeting on **May 12, 2021 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #21-00500001: A request by Gustavo Ramirez and Mayra Ramirez of GMR Empire, LLC., for a Conditional Use permit for the operation of a Bed and Breakfast, Castle La Florentia, for the property located at 15th Avenue South, also known as "The Birthday Cake Castle". The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the South Palm Park Local Historic District. PCN #38-43-44-27-01-005-0090.

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 through the web portal on the day of the meeting: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd 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 pzoning@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 pzoning@lakeworthbeachfl.gov no later than five (5) days before the hearing if this assistance is required.

Publish: The Lake Worth Herald
April 29, 2021



MEMORANDUM DATE: May 5, 2021

AGENDA DATE: May 12, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **801 North Palmway | Continuance from April HRPB Meeting**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-00100071:** Consideration of a Certificate of Appropriateness (COA) for window and door replacement for the property located at **801 North Palmway**; PCN #38-43-44-21-15-232-0160. The subject property is a noncontributing resource to the Northeast Lucerne Local Historic District and is located in the Single-Family Residential (SF-R) Zoning District.

OWNER: Mariusz Baran
801 North Palmway
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

The structure located at 801 N Palmway was constructed in 1997. The original architectural drawings are located within the City's property file and are included in this report as **Attachment A**. The plans illustrate a two-story building of masonry construction, smooth stucco exterior finish, and cement barrel tile pent roofs. The fenestration consists of single-hung windows, decorative circle and half-circle windows, French doors with sidelights, and a pair of half-light panel front doors. The plans included in Attachment A show decorative divided-light patterns that do not appear to have been installed at time of construction. The structure's character-defining features include a gable covered entry, second-story balconies, a breezeway connecting the main structure with the two-story garage, and an open boat garage at the rear of the property. Current photos are included as **Attachment B**.

City permit records indicate the structure has had alterations over time, including the installation of an exterior perimeter wall, roof replacement, installation of hurricane shutters, and air-conditioning upgrades.

PROJECT DESCRIPTION:

The property owner, Mariusz Baran, is requesting a COA for window and door replacement for the property located at 801 North Palmway. The subject property is located on the southeast corner of North Palmway and 8th Avenue North in Lake Worth Beach. It is also located within the Single-Family Residential (SF-R) Zoning District and retains a Future Land Use (FLU) designation of Single Family Residential (SFR).

If approved, the subject application would allow the replacement of the existing windows and doors with new Lawson aluminum impact single-hung, horizontal sliding, fixed glass windows, and French doors. The proposed windows are full-view and utilize grey-tinted glass with a visual light transmittance (VLT) of 40%.

The application will require the following approval:

1. **COA** for window and door replacement.

PROJECT HISTORY:

On January 8, 2021, Historic Preservation staff received building permit application #21-76 for window and door replacement for the structure. Staff reviewed the application and disapproved the request on January 20, 2021, as the permit application did not include a COA application, photos, or glass specifications. The subsequent resubmittal was also failed by staff as the visual light transmittance (VLT) of the proposed replacement windows measured 10%, whereas the COA Approval Matrix and Historic Preservation Design Guidelines require clear glass, or windows with a VLT measurement of at least 70%, to be approved administratively.

The HRPB reviewed the item at the April 14, 2020 regular meeting. During the meeting, the project contractor indicated that the proposed VLT of the replacement windows included in the permit application had been submitted in error, and that the VLT of the actual replacement window glass was 40%, as opposed to 10%. The HRPB continued the item to the May meeting and directed staff to conduct a site visit with the contractor and to photo document the replacement windows on-site. Staff performed a site visit on April 19, 2021. The photographs from that meeting are included in this report as **Attachment C**.

STAFF RECOMMENDATION:

Although documentation for the existing window's VLT has not been discovered, the replacement windows with a VLT of 40% appear visually consistent with the existing original glazing. The structure was constructed in 1997 and the original windows utilized grey glass. As the replacement windows do not appear to be darker than the original products, staff recommends approval of the request as replacing the original windows in-kind with similar glass will not result in an adverse effect to the surrounding historic structures.

PROPERTY DESCRIPTION:

Owner	Mariusz Baran
General Location	Southeast corner of North Palmway and 8 th Avenue North
PCN	38-43-44-21-15-232-0160
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential ()



Consistency with the Comprehensive Plan

The proposed project is consistent with Policy 1.1.2.3 of the Comprehensive Plan, which intends to preserve single-family housing within the existing residential and historic neighborhoods. Window and door replacement with impact products provides protection for structures and prolongs their continued use as a single-family residence.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City's Historic Preservation Design Guidelines provide a guide for compatible window replacement for structures within the historic districts included as **Attachment D**. Windows are amongst the most important character-defining architectural features, but they are also one of the most commonly replaced features of a building. Consideration #5 states;

Windows historically utilized clear glass, and therefore clear glass is the most compatible type for historic structures. Windows with Low-E or Solarban coatings, applied tint, and mirrored finishes are not recommended.

Staff Analysis: The applicant is proposing an in-kind replacement of all of the structure's single-hung, horizontal sliding, and fixed glass windows and French doors with grey-tinted glass that has a visible light transmittance (VLT) of 40%. The existing windows on the structure are original and contain grey tinted glazing. Although the proposed glazing is not consistent with the replacement window considerations section of the Design Guidelines, the Guidelines do not consider buildings where the original glass was

not clear. Although staff cannot confirm the VLT of the original windows, the replacement windows do not appear darker than the existing glass, thus, could be considered an in-kind replacement, which can be permitted.

COA

For noncontributing structures in historic districts, alterations that are visible from a public street require a COA to ensure that the proposed design and materials are compatible with the district as a whole and to maintain an overall integrity of architectural style for the building. 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.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions. Noncontributing structures:*

A. Is this a change to the primary façade?

Staff Analysis: Yes, the proposed window and door replacement impacts the primary façade of the structure on North Palmway and the secondary façade fronting 8th Avenue North.

B. Is the change visually compatible and in harmony with its neighboring properties as viewed from a public street?

Staff Analysis: The subject property is classified as noncontributing and was constructed in 1997, which falls outside the Northeast Lucerne Local Historic District's period of significance (1915 to 1952). Glass tints were widely available during the structure's period of construction in 1997. Therefore, an in-kind replacement of the grey-tinted glass may be considered appropriate for the structure.

The Historic Preservation Ordinance indicates in Section 23.5-4(e)(B) that changes to noncontributing buildings and structures shall be reviewed to ensure compatibility with neighboring properties within the historic district in order to protect the overall character and integrity of the district. Staff will defer cases to the HRPB where requested alterations present a conflict with the Design Guidelines to ensure that the character and integrity of the historic districts remains intact.

The structure at 801 North Palmway was constructed with grey tinted glass. Staff's current standards, as outlined in the Design Guidelines and COA Approval Matrix, limit staff authority to approving clear glass (VLT of 70%+) for all glazing on contributing structures and for visible windows on non-contributing structures. Although non-contributing structures are not designated as historic, maintaining the visual continuity of streetscapes within historic districts require the review of alterations to visible facades. Staff has determined that the replacement of the existing windows at 801 North Palmway with new glazing at a VLT of 40% will not result in any new adverse effects to the surrounding historic district as the window replacement proposal is in-kind, and therefore should not result in a substantial visual alteration to the building.

PUBLIC COMMENT:

Staff has not received public comment for this item.

CONCLUSION:

Although documentation for the existing window's VLT has not been discovered, the replacement windows with a VLT of 40% appear visually consistent with the existing glazing. The structure was constructed in 1997 and the original windows utilized grey glass. As the replacement windows do not appear to be darker than the original products, staff recommends approval of the request as replacing the original windows in-kind with similar glass will not result in an adverse effect to the surrounding historic structures.

Conditions of Approval

1. The windows shall be installed recessed in the jambs and not installed flush with the exterior face of the wall.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00100071, with staff recommended conditions, for a COA for window and door replacement for the property located at **801 North Palmway**, 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 21-00100071 for a COA for window and door replacement for the property located at **801 North Palmway**, because the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Current Property Photos
- C. Site Visit Photos
- D. Historic Preservation Design Guidelines – Window Replacement



Hist

MEMORANDUM DATE: May 5, 2021

AGENDA DATE: May 12, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **122 South K Street | Continuance from April HRPB Meeting**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: HRPB Project Number 21-00100074: A request for a Certificate of Appropriateness (COA) for the demolition of a \pm 115 square foot rear enclosed porch and the construction of a new \pm 1,234 sq. ft. addition for the single-family residence located at 122 South K Street; PCN #38-43-44-21-15-047-0060. The subject property is located within the Medium Density Multi-Family Residential (MF-30) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

OWNER: Marco Grillo and Fany Adriana Rodriguez
1339 SW 44th Terrace
Deerfield Beach, FL 33442

ARCHITECT: Juan C. Contin
Contin Architecture and Design
826 S Federal Hwy #3
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY

Per documentation within the City's property files, the single-family structure located at 122 South K Street was constructed in a Wood Frame Vernacular architectural style c. 1925. A property appraiser's card from 1956, included in **Attachment A**, indicates that the structure has undergone few alterations over time. The building was constructed on a pier foundation and utilized wood frame walls, a broad gable roof, pine floors, and wood windows and doors. The building also features a small front entry stoop and a rear enclosed porch. In 1948, the rear porch was altered to house a new utility room and additional windows were installed. A small detached apartment once stood at the rear of the parcel, but was permitted to be demolished in March of 1988. The building maintains a high degree of the seven aspects of historic integrity; location, setting, design, workmanship, materials, feeling, and association.

PROJECT DESCRIPTION

The property owners, Marco Grillo and Fany Adriana Rodriguez, are requesting a COA for the demolition of a \pm 115 sq. ft. rear enclosed porch and the construction of a new \pm 1,234 sq. ft. addition for the single-family residence located at 122 South K Street. The subject property is a 25' x 135' (3,375 sq. ft.) platted lot of record located on the east side of South K Street between 1st Avenue South and 2nd Avenue South

in Lake Worth Beach. The subject property is located within the Medium Density Multi-Family Residential (MF-30) Zoning District and is a contributing resource to the Southeast Lucerne Local Historic District.

The application will require the following approval:

1. **COA** for the demolition of a \pm 115 sq. ft. rear enclosed porch and the construction of a new \pm 1,234 sq. ft. addition

PROJECT BACKGROUND

At the March 10, 2021, HRPB regular meeting, the Board reviewed conceptual plans for the project, presented by Juan Contin and Faten Almosawi of Contin Architecture and Design. Primary discussion topics included the massing and visual compatibility of a second-story portion of the addition that would be visible from South K Street, the window proportions, roof design, and exterior siding materials. The Board also recommended that the project utilize a glass or transparent hyphen to connect the historic structure to the addition.

The Board looked at various example projects that utilized highly stylized modern additions to historic structures. Board member comments indicated some of the example projects were highly successful, but that the additions were generally all subordinate to the historic structures and that the historic structures provided in the examples were more elaborate and high-style than the architecture generally found in Lake Worth Beach.

The request was formally reviewed by the HRPB at the April 14, 2021 regular meeting. It was the analysis of staff that the proposed application was not consistent with the City's Historic Preservation Ordinance, the Secretary of Interior Standards, or the Lake Worth Beach Historic Preservation Design Guidelines, as the project's massing, materials, and fenestration were not visually compatible with the existing historic structure or the surrounding streetscape when viewed from South K Street. The HRPB echoed similar concerns, and the item was continued to the May meeting in order to facilitate a redesign addressing staff and HRPB member comments.

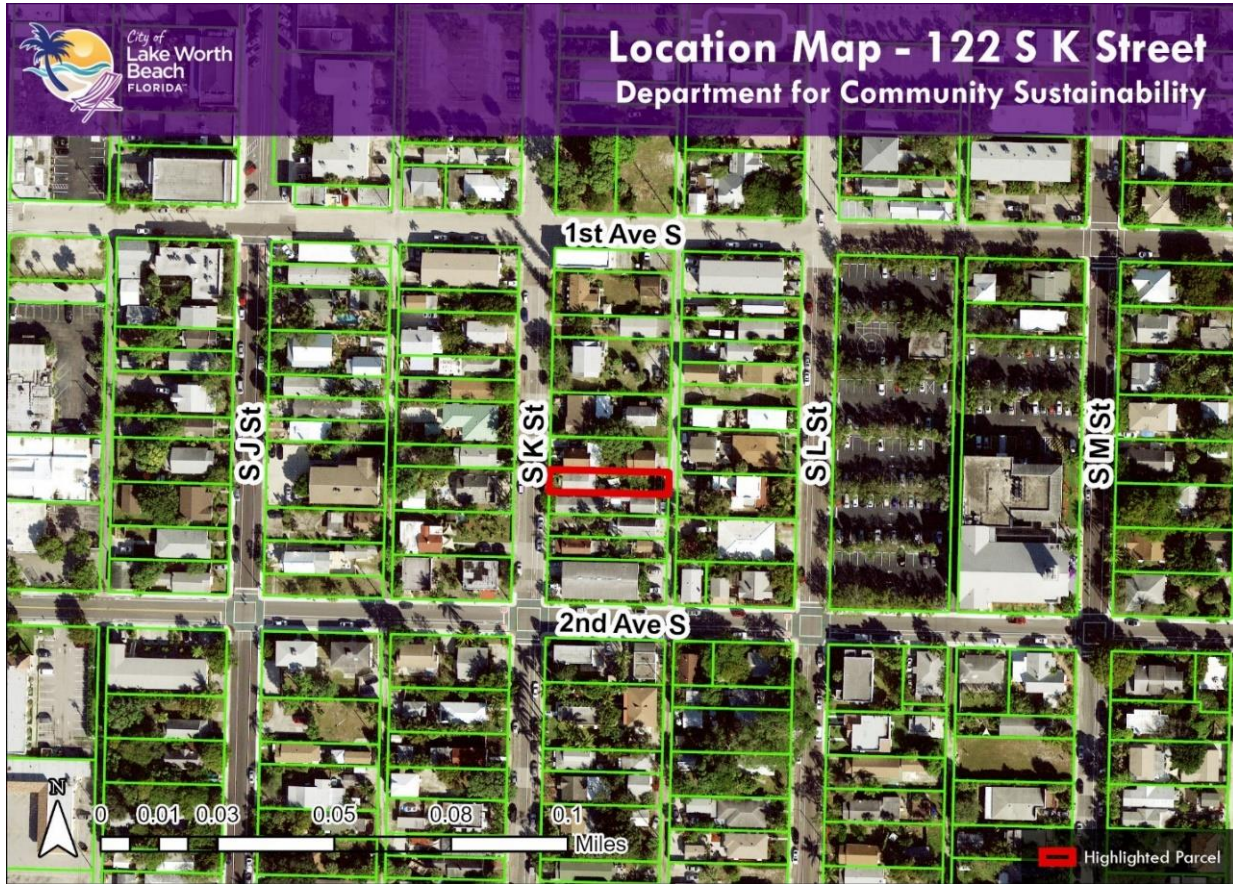
STAFF RECOMMENDATION

Staff recommends that the Board determine if the demolition of the rear enclosed porch is warranted for the construction of the addition. Should the Board approve the demolition of the enclosed porch, staff recommends approval of the addition, with conditions, provided on page 10 of this report.

PROPERTY DESCRIPTION

Owner	Marco Grillo and Fany Adriana Rodriguez
General Location	South K Street between 1 st Avenue South and 2 nd Avenue South
PCN	38-43-44-21-15-047-0060
Zoning	Medium Density Multi-Family Residential (MF-30)
Existing Land Use	Single Family Residence

Future Land Use Designation	High Density Residential (HDR)
-----------------------------	--------------------------------



Consistency with the Comprehensive Plan

The proposed project is 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. The proposal seeks to rehabilitate the interior and add additional square footage via a rear addition. The alterations to the property will bring the historic structure further into accordance with modern housing expectations, thereby increasing its viability and sustained preservation.

SITE ANALYSIS

Surrounding Properties

The site is surrounded by similar structures with similar zoning districts and future land use (FLU) designations, and thus, is found to be compatible with the existing and proposed residential use on the

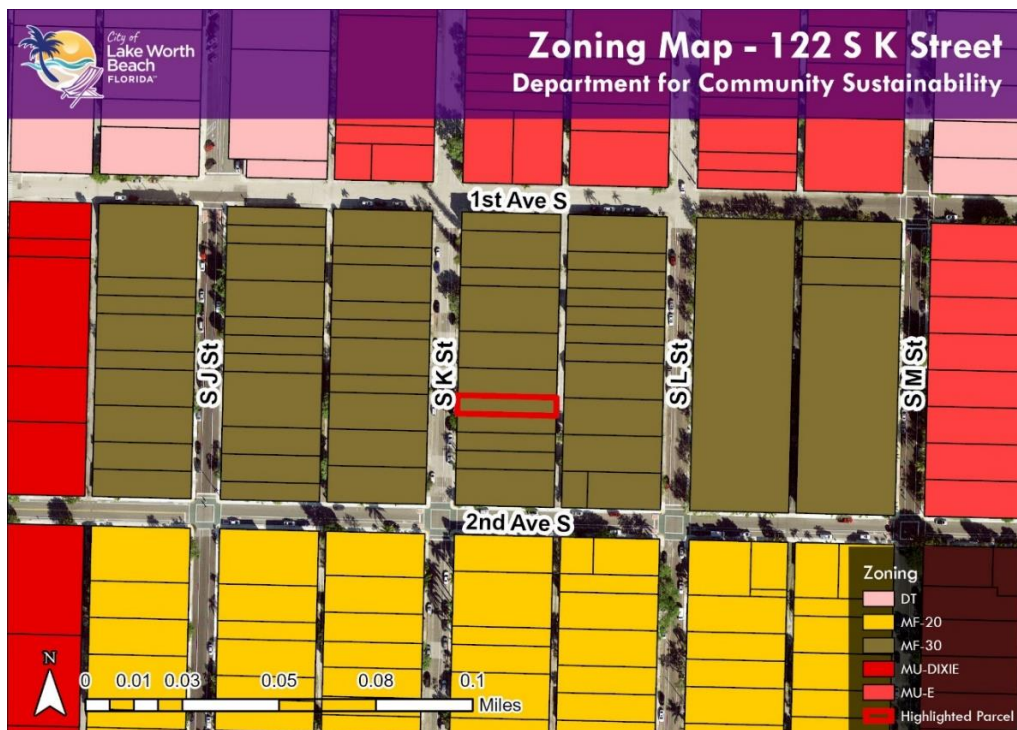
subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

NORTH: North of the subject site is 120 South K Street, a single-family residence with a detached accessory structure. This parcel contains a FLU designation of HDR and is located in the MDR zoning district. The structure at 120 South K Street is also a contributing resource to the Southeast Lucerne Local Historic District.

SOUTH: Immediately south of the subject site is 124 South K Street, a single-family residence with a detached accessory structure. This parcel contains a FLU designation of HDR and is located in the MDR zoning district. The structure at 124 South K Street is also a contributing resource to the Southeast Lucerne Local Historic District.

EAST: East of the subject site across the rear alley is 123 South L Street, a single-family residence. This parcel contains a FLU designation HDR and is located in the MDR zoning district. The structure at 123 South L Street is also a contributing resource to the Southeast Lucerne Local Historic District.

WEST: West of the subject site across South K Street is 123 South K Street, a single-family residence with a detached accessory structure. This parcel contains a FLU designation of HDR and is located in the MDR zoning district. The structure at 123 South K Street is also a contributing resource to the Southeast Lucerne Local Historic District.



LAND DEVELOPMENT CODE REQUIREMENTS

Land Development Code Requirements		
Code References	23.3-11 (MF-30)	
	Required	Existing/Proposed
Lot Area (min.)	5,000 square feet	3,375 square feet
Lot Width (min.)	50'-0"	25'-0"
Building Height (max.)	Primary: 30'-0" (2 stories)	Single Story: 10'-6" Second Story: 20'-0"
Setback - Front (min.)	20'-0"	Existing: 18.2'
Setback -Side (min.)	Single story: 10% of lot width, min. 3'-0" Two story on a 25' wide lot: 5'-0"	Existing North: 2'-10" Addition North: 3'-0" 5'-0" for Two Story Existing South: 1'-10" Addition South: 10'-11" 5'-0" for Two Story
Setback – Rear (min.)	13'-6" (10% of lot depth)	20'-5"
Impermeable Surface (max.) ⁽¹⁾	65.0% (2,194 sq. ft.)	56% (1,894 sq. ft.)
Building Coverage (max.) ⁽¹⁾	45.0% (1,518 sq. ft.)	44.8% (1,515 sq. ft.)
Floor Area Ratio (max.) ⁽¹⁾	0.80 (2,700 sq. ft.)	0.52 (1,773 sq. ft.)

(1)- Small lot (lots up to 4,999 square feet)

As outlined in the site data table, the proposed addition complies with all impermeable surface requirements, building coverage allotments, and required building setbacks. The proposed site plan also adds one parallel parking space off of the ally, which brings the property into compliance with current parking regulations for 25' wide lots. The proposed architectural plans are provided as **Attachment C**.

As the proposal seeks to maximize the allowed building coverage, staff has included a condition of approval that a detailed breakdown of the square footage calculations is provided at permitting to ensure zoning requirements have been satisfied.

Existing Non-Conformities

The existing historic structure has legal non-conforming side setbacks that do not comply with minimum setback requirements provided within Section 23.3-11 of the Lake Worth Beach Land Development Regulations. Pursuant to LDR Section 23.5-3(d), Non-conforming buildings and structures:

1. *Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.*

The proposed addition complies with current zoning requirements and does not increase the non-conforming setbacks of the existing historic structure.

HISTORIC PRESERVATION ANALYSIS

COA

All additions and 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 applicants have also provided a Justification Statement, provided in this report as **Attachment D**.

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: The existing structure is a contributing resource within the Southeast Lucerne Local Historic District. The property owners are requesting to remove an existing enclosed porch to the rear of the structure and to construct a new ± 1,234 addition.

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

Staff Analysis: No work is being proposed to visible facades of the historic structure. The visible two-story portion of the addition is set back to the rear of the property, which should not result in substantial adverse effects to the streetscape or surrounding historic structures.

- 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: 122 South K Street is an intact Wood Frame Vernacular building from the 1920's. The request includes removing a rear enclosed porch that was constructed in the 1940's and constructing a new ± 1,234 addition. The addition is designed in a contemporary architectural style, but it is largely obscured from view due to an increased setback of the

two-story portion. The addition utilizes smooth stucco, large full-view windows, and contemporary massing to differentiate the addition from the historic structure.

- 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 his property.

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

Staff Analysis: The plans are feasible and could be carried out 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 design of the addition seeks to fall under Secretary of Interior Standard for Rehabilitation #9, *"New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."*

The addition is differentiated from the historic structure through the use of alternate building materials, massing, and fenestration. The addition's placement, scale, and massing are generally appropriate for the parcel and the historic structure. The addition's second story portion is set back from the historic structure and connected by a low flat roof connection that will not be visible from South K Street.

- 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 was designed as a Wood Frame Vernacular residence in the 1920's. Wood Frame Vernacular structures maintain common characteristics, such as wood siding, 2:1 vertically proportioned windows, forward facing gable roofs, and overhanging eaves. The proposed addition is a break in design with the elements of the historic resource, but the addition's massing and scale is staggered to have a modest effect on the structure when viewed from South K Street. The addition's fenestration adheres to a regular rhythm and the window openings are vertically oriented and similar in size and scale to the historic structure.

2. 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: No change is proposed for the use of property. The addition will add additional living space to the existing structure.

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: The applicants are requesting to demolish the existing rear enclosed porch. The rear porch was constructed in a typical manner for its time of construction, with a shed roof, lap siding, and casement and hung windows. The applicants contend that keeping the porch is impractical and that placing an addition onto the rear porch would create a difficult transition between the two structures.

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

Staff Analysis: The proposed addition will not be fully visible from South K Street. The contributing resources at 120, 124, 126, and 128 South K Street are all single-story Wood Frame Vernacular buildings that share common characteristics indicative of the style. The second story addition proposed for 122 South K Street is placed to the rear of the parcel and would not have a substantial impact on the existing streetscape.

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: The window and door openings on the existing historic resource are not proposed to be altered.

(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: No applicable, the applicant is not proposing to replace existing windows and doors.

- (2) 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: Not applicable.

- (3) 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.

Historic Preservation Design Guidelines Analysis

Per the Historic Preservation Design Guidelines, the six historic districts in Lake Worth Beach are primarily composed of 10 historic architectural styles. Chapter 5; Architectural Styles, illustrates and describes the elements that define each style. In addition to defining the physical characteristics of each primary style, a narrative is provided that chronicles the history and context of each style. The Wood Frame Vernacular architectural style section is included as **Attachment E**. Staff also recommends that the Board read the Design Guidelines Special Considerations chapter regarding new construction and streetscapes, included as **Attachment F**.

Demolition

Staff Analysis: The proposal includes demolishing the rear enclosed porch. Per information within the City's property file, the porch took on its current form in 1948, when it was altered to house a new utility room. Per Secretary of Interior (SOI) Standard #4,

"Most properties change over time; those changes that have acquired significance in their own right shall be retained and preserved."

Although not original to the building, the porch was constructed more than 50 years ago in a manner that was indicative of its time of construction and complimentary to the 1920's Wood Frame Vernacular residence. The porch is to the rear of the structure and not visible from South K Street. Staff recommends that the Board discuss SOI Standard #4 and determine if the porch has gained significance over time. The applicants contend that utilizing the rear porch as a transition to the new addition would not be practical and that retaining the porch would not enhance the overall design.

Addition

Staff Analysis: The revised addition is designed in a contemporary architectural style that utilizes a staggered box form with sparse architectural detailing. The addition's walls are set back from the side

walls of the historic structure and utilizes floor to ceiling glazing at the connection point to create a contemporary transition. The addition utilizes three staggered and stacked box forms with appropriate setbacks and placement for the configuration of the parcel.

The middle massing of the addition contains a utility space and an open kitchen and living room. The north wall features regularly placed vertically oriented windows and the south wall features expansive sliding glass doors that open onto an exterior deck which provides a circulation path via an exterior staircase to the second level. The first floor of the two-story massing features two master bedrooms and a rear patio. The second story portion of the addition features a rooftop landing terrace and an open concept artists loft.

The massing of the addition is largely compatible with the historic structure. The two-story portion of the addition is placed to the rear of the lot. When viewed from South K Street, the two-story portion will appear separated enough from the historic structure to read as a separate building. There are numerous examples throughout Lake Worth Beach's historic districts where two-story garage apartments or related accessory buildings were constructed to the rear of the parcel utilizing a different architectural style. The proposed addition is a modern interpretation of that model, while being designed as a single structure. Staff does have remaining concerns regarding the second story rear façade of the addition, which does not include any fenestration. Staff has added a condition of approval addressing this issue, requesting an additional window or windows to the blank façade.

The addition utilizes low flat roofs, regularly placed and compatibly sized full-view windows, and appropriate height and massing. The addition's placement allows the streetscape to remain relatively unchanged, as the two-story portion is back approximately 87 feet from the front property line and placed behind an outdoor rooftop terrace with glass railings. The project architects have also provided two additional options for exterior wall treatments for the second story portion of the addition to limit its visibility, including a faux ivy on an expandable metal mesh or an expandable metal mesh for live growth. Renderings of these options have been included on sheets A206 and A208 of the architectural plan set, provided as **Attachment C**. Staff recommends the Board review the options provided and determine the compatibility of the proposed treatments.

PUBLIC COMMENT

At the time of publication of the agenda, staff has received no public comment.

CONCLUSION

It is the analysis of staff that the proposed addition is generally consistent with the City's Historic Preservation Ordinance, the Secretary of Interior Standards, and the Lake Worth Beach Historic Preservation Design Guidelines. Should the Board determine that the demolition of the rear enclosed porch is warranted for the construction of the addition, staff recommends approval with conditions listed below.

Conditions of Approval

1. The windows shall be installed recessed in the jambs and not installed flush with the exterior face of the wall.

2. All window and door glazing shall be clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 70% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
3. The east wall of the historic structure shall have new lap siding installed that replicates the existing siding profile. The new siding shall blend seamlessly with the historic siding.
4. Additional fenestration shall be added to the second story portion of the rear façade, subject to staff review at permitting.
5. Detailed square footage calculations shall be submitted to indicate the project complies with the building lot coverage maximum, subject to staff review at permitting.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number 21-00100074, with staff recommended conditions, for a COA for the demolition of a \pm 115 sq. ft. rear enclosed porch and the construction of a new \pm 1,234 sq. ft. addition, for the single-family residence located at **122 South K 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 21-00100074, a COA for the demolition of a \pm 115 sq. ft. rear enclosed porch and the construction of a new \pm 1,234 sq. ft. addition for the single-family residence located at **122 South K Street**, as the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS

- A. Property File Documentation
- B. Current Photos
- C. Proposed Architectural Plans
- D. Applicant Justification Statement
- E. LWB HP Design Guidelines Section: Wood Frame Vernacular
- F. LWB HP Design Guidelines Section: Special Considerations



MEMORANDUM DATE: May 5, 2021

AGENDA DATE: May 12, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **222 South Lakeside Drive**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-00100083:** Consideration of a Certificate of Appropriateness (COA) for the installation of a bronze metal panel roof for the property located at **222 South Lakeside Drive**; PCN #38-43-44-21-15-101-0030. The subject property is a contributing resource within the South Palm Park Local Historic District and is located within the Low-Density Multifamily Residential (MF-20) Zoning District.

OWNER: Ian Finlayson
222 South Lakeside Drive
Lake Worth Beach, FL 33460

AGENT: Tim Hunt
Operations Director, Cherry Roofing
3901 SW 40th Ave
West Park, FL 33023

PROPERTY DEVELOPMENT HISTORY:

The structure located at 222 South Lakeside Drive was constructed in 1939 in a Frame Minimal Traditional style with elements of Colonial Revival architecture. The original building permit application and architectural drawings are available in the City's property files, and are included in this report as **Attachment A**. The drawings illustrate a building of frame construction with an asymmetrical front façade, wood lap siding, wood double-hung windows, an integral carport, and a metal shingle roof. A property card from 1944 also describes the roof as having metal shingles. In 1969, the carport was enclosed and converted into a garage and a new carport was constructed in front of the residence. City permit records indicate the structure has had other alterations over time, including the replacement of the original wood windows with jalousie windows and the replacement of the original metal shingle roof with asphalt shingles. Overall, the building maintains a moderate degree of the seven aspects of historic integrity: location, setting, design, workmanship, materials, feeling, and association, due to the alterations.

PROJECT DESCRIPTION:

The property owner, Ian Finlayson, is requesting a Certificate of Appropriateness for installation of a metal panel roof system with a bronze finish. The subject property is located on the east side of Lakeside Drive, between 2nd Avenue South and 3rd Avenue South. The property is located in the Low-Density Multifamily Residential (MF-20) Zoning District and has a Future Land Use (FLU) designation of Medium Density Residential (MDR).

The application will require the following approval:

1. **Certificate of Appropriateness (COA)** for the installation of a metal panel roof system with a bronze finish

PROJECT BACKGROUND:

In December of 2020, building permit application #20-3740 was submitted by the applicant’s contractor for replacement of an asphalt shingle roof with a new metal panel roof system. Historic Preservation staff failed the application as the submittal packet did not include a Certificate of Appropriateness application and product specifications. On December 30, 2020, Abraham Fogel, Preservation Planner for the City of Lake Worth Beach, began email correspondence with the roofing company regarding the requested metal roof product. Mr. Fogel indicated that staff could only approve a metal panel roof option where the panel system had a “mill finish” and where the ribs or seams of the panel system were no more than one inch (1”) in height. On January 4, 2021, Mr. Fogel received a resubmittal with a product sheet illustrating the profile of the metal seams, indicating that they would equal one inch (1”) in height. The email correspondence between Mr. Fogel and the project contractor’s representative are included as **Attachment B**. Mr. Fogel issued administrative COA#21-00100003 on January 4th, with the conditions that the metal roof panels have a “mill finish” and that the seams shall not exceed one inch in height. The administratively issued COA (#21-00100003) for the project is included as **Attachment C**.

Work commenced on the project and a final inspection was performed by a Building Division representative on March 1, 2021. The project did not pass final inspection as the roof was installed with a bronze finish as opposed to the mill finish as conditioned in the COA. As staff could not approve a revision to the COA for the bronze finish (See Historic Preservation Analysis, pages 3 to 7), the project contractor brought the item to the HRPB as a conceptual review at the March 10, 2021 regular meeting. The Board did not grant staff the authority to approve alternate metal roof finishes during the meeting and the applicant was advised to return to the HRPB with a formal item. The applicant’s have submitted a justification statement for their request, included in this report as **Attachment D**. Photos of the installed bronze metal panel roof are included as **Attachment E**.

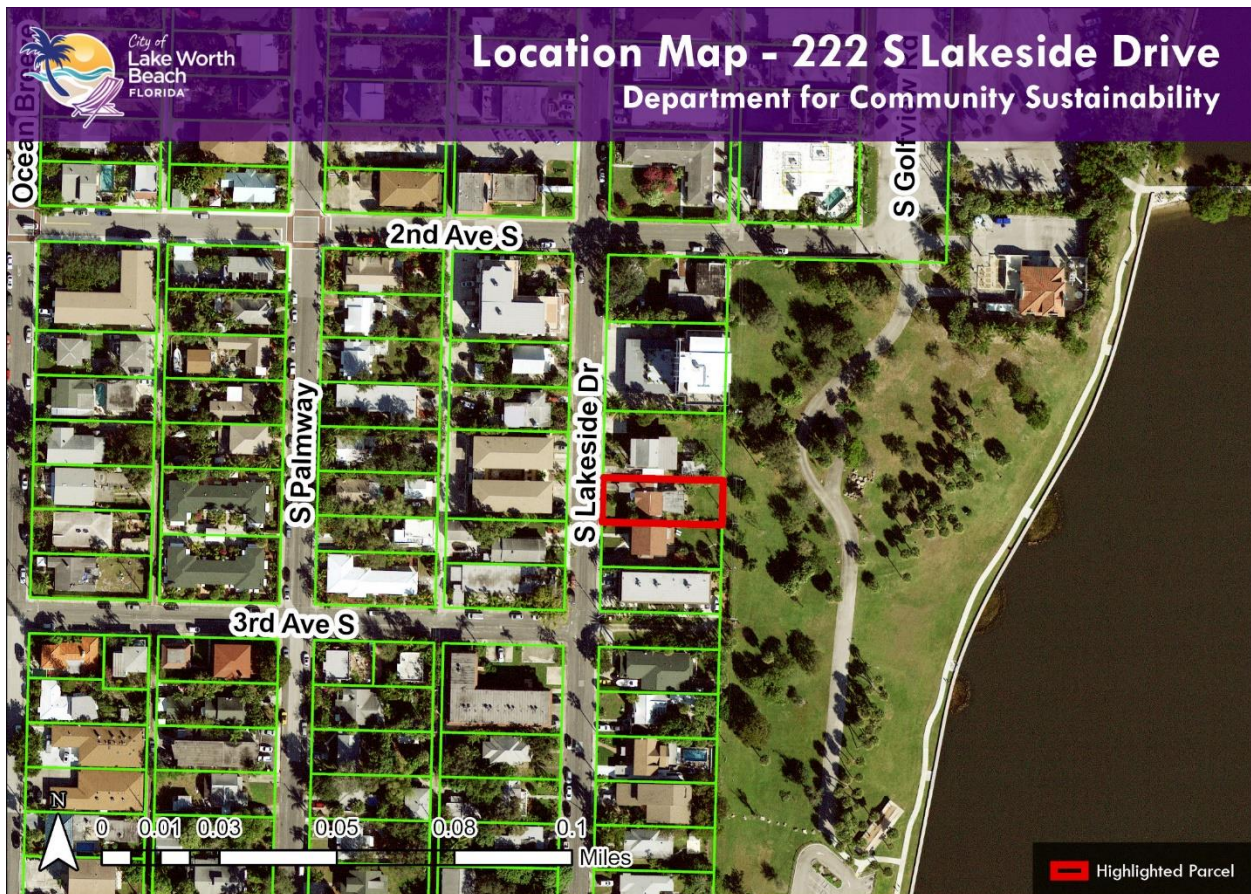
STAFF RECOMMENDATION:

As the request is not in compliance with the Lake Worth Beach Historic Preservation Design Guidelines criteria roof replacement and HRPB precedent regarding metal roof finishes, staff is not recommending approval of the application as submitted.

PROPERTY DESCRIPTION:

Owner	Ian Finlayson
-------	---------------

General Location	East side of South Lakeside Drive between 2 nd Avenue South and 3 rd Avenue South
PCN	38-43-44-21-15-101-0030
Zoning	Low Density Multi-Family Residential (MF-20)
Existing Land Use	Single-Family Residence
Future Land Use Designation	Medium Density Residential (MDR)



Consistency with the Comprehensive Plan

The proposed project is not in compliance with Policy 3.4.2.1 requires 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 features should be substantiated by documentary, physical, or pictorial evidence. The contributing resource at 222 South Lakeside Drive

originally had a metal shingle roof. Historic examples of metal shingles from the same period and style of construction have mill finishes.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines Analysis:

The City's Historic Preservation Design Guidelines provide a guide for compatible roof replacement for structures within the historic districts based off of the structure's architectural style. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials. Pages 133 and 139 of the City's Historic Preservation Design Guidelines, included as **Attachment F**, provide a guide for compatible roof types for Frame Minimal Traditional structures (Please note that the Minimal Tradition section describes both types of Minimal Traditional construction, Frame and Masonry).

Per the Design Guidelines, Frame Minimal Traditional structures almost exclusively utilized metal shingle roofs. Documentation within the City's property files indicate that this structure was originally designed with a metal shingle roof. These roofs were simple to install and were utilized on economically designed buildings, and the surviving examples of metal shingle roofs from this period on structures in Lake Worth Beach feature a grey, or mill finish. A natural metal finish has reflective qualities, which assist in keeping houses cool as the metal reflected sunlight. Staff has been unable to find documentation that metal shingles of alternate finishes were utilized locally on Frame Minimal Traditional resources. Pictured below is a metal shingle roof in a mill finish.



Although grey or mill finishes were most common amongst historic metal shingle roofing systems, there are also examples of metal panel systems from the 1920's on Mediterranean Revival and Mission Revival buildings that were designed to replicate a barrel tile. These metal panel systems were designed with a "pan and barrel" profile, with deep vertical channels and staggered rounded arches meant to simulate

stacked barrel tiles. These roofs were typically painted reddish brown to create the illusion of a clay or terracotta product. Pictured below is a surviving example in the Old Town Local Historic District.



Although the property file documentation illustrates that the original material was a shingle product, the HRPB has set the precedent in multiple decisions that frame constructed buildings from the 1920's through the 1940's (i.e. Frame Vernacular, Bungalow, and Frame Minimal Traditional) can alternately utilize vertically seamed metal panel systems (with a vertical seam no greater than 1") for roof replacement where the original roofing material is unknown or no longer exists. This is largely due to the widespread use of metal shingle products that were utilized on these types of structures, and the increased expense associated with installing a modern metal shingle product. The HRPB has only allowed metal products with a mill or grey finish for roof replacements as they most closely replicate the appearance of surviving metal shingle roofs, and as the natural mill finish is indicative to the material.

Certificate of Appropriateness

Exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. The Applicant has requested approval for a metal panel system in bronze. The HRPB, as tasked in the LDR Sec. 23.2-7(C)(7), shall review the request and supporting exhibits to determine if a Certificate of Appropriateness may be granted. 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.

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: The applicants have an administrative approval to replace the roof at 222 South Lakeside Drive with a new metal panel system in a mill finish. The roof that was installed utilizes the correct profile, but is finished in bronze.

- 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 roof replacement will have no direct physical effect on any surrounding properties within the surrounding South Palm Park Local Historic District, but could impact the character of the surrounding 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: The Board has set the precedent that metal panel roofing systems are appropriate roofing types for Frame Minimal Traditional buildings as they were generally constructed with metal shingle roofs. Surviving metal shingle roofs throughout the districts have a mill finish. The Board has determined that in order most closely replicate the appearance of the historic metal shingles, new metal roofs shall have a traditional mill finish.

- 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 roof has already been installed.

- 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 City's Historic Preservation Design Guidelines place significant importance on compatible roofing materials and roof replacement. The original metal shingle roof for this property was removed and replaced with an asphalt shingle roof at some point in the building's history. A request for a new metal panel roofing system with a mill finish could be approved administratively, per HRPB precedent regarding frame constructed buildings which originally featured metal roofs. A request for a bronze metal roof does not fully satisfy the requirements of the Historic Preservation Design Guidelines or the Secretary of Interior Standards as the bronze finish does not replicate the finish of historically appropriate metal roofs.

- 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's original metal shingle roof was removed in the past and replaced with a dimensional asphalt shingle. Compatible alternative roofs include a dimensional asphalt shingle roof, a new metal shingle roof with a mill finish, or a metal panel system with a mill finish. The request for a bronze metal roof could pose an adverse effect to the historic structure, as historic metal roofs for this style of structure were in a mill finish. Staff has found no historic evidence that local structures utilized bronze metal roofs.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.*

2. 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 historic materials are proposed to be removed or destroyed.

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

Staff Analysis: No, the installation of a bronze metal roof is atypical for structures with metal roofs within the historic districts.

Metal shingles were a commonly utilized roofing material for frame buildings in Lake Worth Beach from the early 1920's until the early 1940's, when the country's metal supply was largely being allocated towards the war effort and asphalt shingles became more prevalent. The surviving examples of metal shingles within the City on buildings from this period utilized a plain mill finish, as these shingles were generally an inexpensive roofing material that served a utilitarian purpose, not a decorative one. Requests for new metal roofing for these structures, whether it be a shingle product or panel system, are thus required to have a mill finish for administrative approval.

Although the City's Historic Preservation Ordinance and Design Guidelines do not regulate paint or asphalt shingle colors, certain materials that have a finish that is intrinsic to that material are reviewed for visual compatibility. Examples include clay barrel tiles that are utilized on Mediterranean Revival and Mission Revival structures from the 1920's, and the flat white concrete tiles that were utilized on Masonry Vernacular, Masonry Minimal Traditional, and Ranch style homes beginning in the early 1940's. The color and finish of these roofing materials became important character-defining features for the overall

architectural style. Natural mill finishes are indicative to early metal roofing in South Florida, and the architectural styles that utilized them. Staff has remaining concerns that the proposed dark bronze roof could adversely affect the character of the contributing resource and impact the integrity of the surrounding historic district.

PUBLIC COMMENT:

At the time of publication of the agenda, Staff has received no public comment.

CONCLUSION:

As the request is not in compliance with the Lake Worth Beach Historic Preservation Design Guidelines criteria roof replacement and the HRPB precedent regarding metal roof finishes, staff is not recommending approval of the application as submitted. The HRPB, as tasked in LDR Sec. 23.2-7(c)(7), shall review the application and supporting exhibits to determine if a Certificate of Appropriateness for roof replacement to the contributing resource may be granted.

POTENTIAL MOTIONS:

I MOVE TO **APPROVE** HRPB Project Number 21-00100083 for a Certificate of Appropriateness (COA) for roof replacement with a bronze metal panel system for the property located at **222 South Lakeside Drive**, 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 21-00100083 for a Certificate of Appropriateness (COA) roof replacement with a bronze metal panel system for the property located at **222 South Lakeside Drive**, because the Applicant has not established by competent substantial evidence that the request is consistent with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Email Correspondence between staff and applicant
- C. COA#21-00100003 222 South Lakeside Drive (administrative approval)
- D. Applicant Justification Statement
- E. Current Photos
- F. LWBHPDG Minimal Traditional



MEMORANDUM DATE: May 5, 2021

AGENDA DATE: May 12, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1 5th Avenue South**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-00500001:** Consideration of a Conditional Use Permit for the operation of a Bed and Breakfast Inn, Castle La Florentia, for the property located at **1 5th Avenue South**, also known as “The Birthday Cake Castle”; PCN #38-43-44-27-01-005-0090. The subject property is a contributing resource to the South Palm Park Local Historic District and is located in the Single-Family Residential (SF-R) Zoning District.

OWNER: Gustavo and Mayra Ramirez of GMR Empire, LLC.
1 5th Avenue South
Lake Worth Beach, FL. 33460

AGENT: Thomas M. Prestia, Esq.
Prestia Law Firm, P.A.
4343 10th Avenue N
Lake Worth Beach, FL 33461

PROPERTY DEVELOPMENT HISTORY:

The structure located at 1 5th Avenue South, known as the Birthday Cake Castle, was designed by notable local architect G. Sherman Childs. Built circa 1925, the sprawling two-story building was commissioned by Mr. Earl Reed, a wealthy banker in Lake Worth. The building is designed in an eclectic Mediterranean Revival style with Moorish Revival architectural elements. Character-defining features included hipped natural clay roofs, carved brackets, and an offset entrance with spiral columns and an octagonal stair tower. The tower has a hip roof with paired arched windows on each elevation and the exterior wall material is rough stucco. Fenestration generally consisted of decorative divided light double-hung sash windows and casement windows, which are typical for the style and period. The first-level window openings feature cast concrete hoods with Moorish arches. The property has undergone many additions and renovations over time including a major restoration effort in 1997 when the Hammads, the property owners at the time, commissioned architect Mario Mangone to rehabilitate the property.

Although original architectural drawings are not available, the Florida Master Site (FMSL) and local designation report completed in 1998, included as **Attachment A**, capture important information about

the structure's distinctive design. Current Photos of the property are included in this report as **Attachment B**.

PROJECT DESCRIPTION:

The property owners, Gustavo and Mayra Ramirez of GMR Empire, LLC, represented by Thomas Prestia, Esq., are requesting a Conditional Use Permit to operate a bed and breakfast inn at 1 5th Avenue South. The subject property is located on the southeast corner of the South Lakeside Drive and 5th Avenue South intersection, directly south of South Bryant Park 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). If approved, the subject application would allow the operation of a bed and breakfast inn for the single-family residential property. The property owner's application is included as **Attachment C**.

The application will require the following approval:

1. **Conditional Use Permit (CUP) for the operation of a Bed and Breakfast Inn**

BACKGROUND:

Per the Palm Beach County Property Appraiser's records, the current property owners purchased the property in March of 2020. Based on City records, the property does not have an active business license associated with the site. On April 2, 2020, a Lake Worth Beach building inspector responded to a citizen complaint at the property regarding unpermitted work, including the construction of a rear chickee hut. The inspector issued a code violation (#20-1421) for the unpermitted work and ordered the property owners to apply for building permits to resolve the violations. Per department records, building permit application #20-1118 for the construction of the chickee hut was submitted on April 9, 2020. The permit application has gone through several revisions and reviews since the initial submittal. On March 29, 2021, an updated property survey was submitted as part of a resubmittal for the chickee hut permit which illustrated additional unpermitted work at the property, including new rear walkways and a large platform deck that was installed on top of the seawall and that extends outside the bounds of the property line. This building permit application has not been approved. A new seawall was approved on March 16, 2021, per building permit application #21-161. This application has been conditioned that prior to the issuance of a business license, all currently unpermitted work shall be permitted.

City staff has received several complaints regarding noise and spillover parking that takes place during private events at the property since December 2020. Noise and parking violations are the responsibility of the Palm Beach County Sheriff's Office and the City's Leisure Services Parking Enforcement, and as such, the complaints were referred to PBSO. For the subject conditional use application, the applicant submitted a justification statement, included as **Attachment D**, that discusses how parking will be managed during events. The property is currently being advertised as a private events venue through the Castle La Florentia website: <https://www.castlelaflorentia.com/>. A PDF of the Castle La Florentia website and a venue rental price list submitted as part of a noise complaint are included as **Attachment E**.

STAFF RECOMMENDATION:

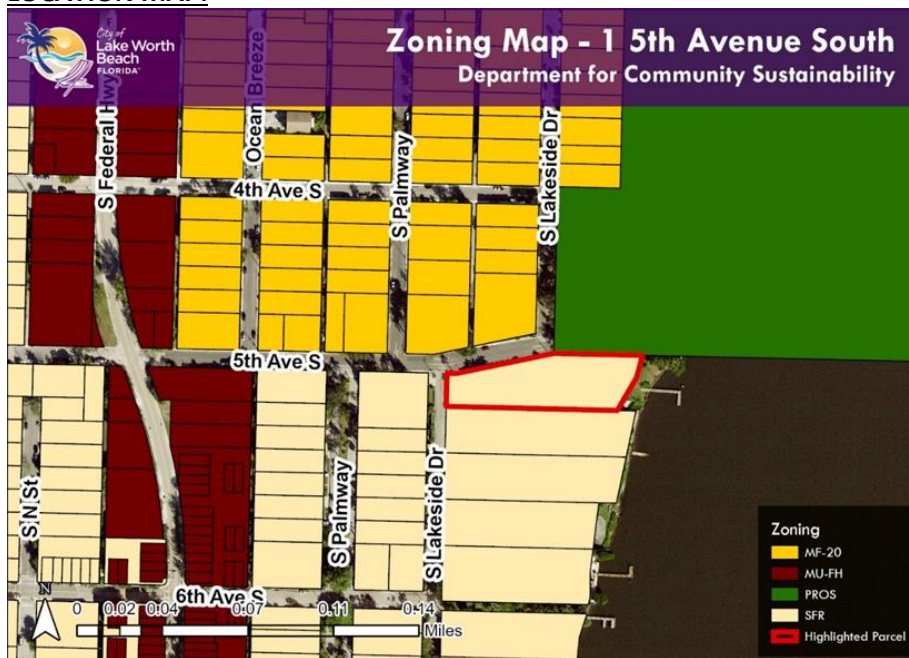
Staff has concerns that the special events that may be hosted under a bed and breakfast use permit may produce traffic levels, noise, and general disruptions that are not consistent with the character of the

surrounding neighborhood. Therefore, staff is recommending denial of the proposed conditional use as for the subject application. Should the HRPB make positive findings for the specific standards for conditional uses, findings for non-residential uses in residential districts, and the standards for bed and breakfast inns, staff has provided conditions of approval on page 12.

PROPERTY DESCRIPTION:

Owner	Gustavo Ramirez and Mayra Ramirez
General Location	Southeast corner of South Lakeside Drive and 5 th Avenue South
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 (SF-R)

LOCATION MAP:



ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The proposed project, as conditioned, is consistent with Policy 1.1.1.2 of the Comprehensive Plan, which provides for compatible nonresidential uses within single-family residential areas through the conditional use process. A bed and breakfast inn that is operated in compliance with the standards for the use is a compatible nonresidential use for an area zoned Single-Family Residential (SF-R). Appropriately located bed and breakfast inn uses are also generally consistent with Pillar Three of the Strategic Plan, which encourages tourism by increasing options for visitors to stay and experience the City. However, a special

events venue as a principal use is not permitted or consistent with the City's Comprehensive Plan or Strategic Plan in this zoning district.

Consistency with Land Development Regulations

Per Section 23.2-29, conditional uses are uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The proposed conditional use request is to establish a bed and breakfast inn at the subject property.

The Department of Community Sustainability is tasked in the Code to review conditional use applications for consistency with the City's LDRs as analyzed below, to review said applications for compliance with the findings for granting conditional uses (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest

The LDRs require all conditional use applications to be analyzed for consistency with Section 23.2-29(d). The applicants have submitted a justification statement and responses to the Conditional Use criteria, provided in this report as **Attachment D**. Staff has provided an analysis of the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

Staff Analysis: The site contains a zoning designation of SF-R, which is intended primarily to permit the development of one single-family structure per lot. Additional permitted primary uses, which require either an administrative use or conditional use, include places of worship, schools, and bed and breakfast inns. These nonresidential uses, including a bed and breakfast inn, are compatible by reason of their nature if allowed with limited frequency to preserve an overall single-family residential character. Therefore, the proposed conditional use of a bed and breakfast inn is generally compatible and harmonious within the SF-R District if conditioned to address specific site-specific concerns.

Special events associated with a bed and breakfast inn may also be compatible within a SF-R district, if provisions are made to address impacts such as noise, parking, and the size and frequency of special events. Based on the nature of the applicant's webpage and the volume of noise and parking complaints received by staff beginning in December of 2020, it appears that the special events component of the applicant's business model that has been operating without a use approval and business license as a principal use has not been operating in a harmonious manner with the surrounding SF-R zoning district. Staff is recommending that if the proposed bed and breakfast use is approved, special events should be limited with the recommended conditions of approval to ensure compatibility of the bed and breakfast inn use with the surrounding neighborhood. **Meets Criterion as conditioned.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

Staff Analysis: The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	Public Recreation and Open Space	PROS	South Bryant Park
North (across 5 th Ave S.)	Medium Density Residential	MF-20	Multi-Family Residence <i>421 S Lakeside Drive</i> Single Family Residence <i>116 5th Avenue South</i>
East (across South Lakeside Drive)	Single Family Residential	SF-R	Single Family Residence <i>502 S Palwmay</i>
South (adjacent)	Single Family Residential	SF-R	Vacant Parcel <i>512 S Lakeside Drive</i>

Immediately to the north of the parcel is South Bryant Park. A multi-family condominium building and a single-family residence are located north of the parcel, across 5th Avenue North. The property west of the parcel, across South Lakeside Drive, is a single-family residence. The parcel immediately south of the subject property is a vacant unimproved lot. The property is bordered to the east by Lake Worth Lagoon. Staff finds that the proposed use is in harmony with the existing uses in the immediate area if the standards for use and the conditions of approval are upheld, including conditions of approval related to the limits on special event operations at the property. **Meets Criterion as conditioned.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

Staff Analysis: The conditional use request for a bed and breakfast inn will likely have a similar impact to other single-family residences permitted by right within the SF-R zoning district. Bed and breakfast inns are allowed as a conditional use within the SF-R district due to their similar intensities with related single-family uses. Staff has included conditions of approval to ensure the special events do not result in less public benefit or greater harm. **Meets Criterion as conditioned.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

Staff Analysis: The proposed conditional use does not propose any new physical development on the parcel. The property currently maintains a single-family residential structure. The Future Land Use Designation for the parcel is single-family residential (SF-R). **Meets Criterion.**

Section 23.2-29(e): Specific standards for all conditional uses

Prior to approving any conditional use, the decision-making authority (HRPB) shall find that;

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

Staff Analysis: Single-family residences located on the equivalent of four (4) lots equaling approximately 1 acre of land generates a total of 38 daily trips. An individual single-family home would generate 10 daily trips. A hotel with four rooms, as proposed, generates a total of 33 daily trips. Therefore, the proposed bed and breakfast use would not generate a significant adverse impact in traffic volumes over uses permitted by right, including a large lot single-family home or a typical block of single-family residential homes in the area by acre. Nonetheless, frequent and large special events at the property could generate a much higher traffic volume from guests and commercial trucks used to supply the event. **Meets Criterion as conditioned.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

Staff Analysis: As previously discussed, the lodging aspect of the bed and breakfast inn use will have a similar traffic volume to a single-family use. A greater amount of traffic can be anticipated for special events and should be mitigated as conditioned. **Meets Criterion as conditioned.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

Staff Analysis: Because the nature of the business does not involve hazardous chemicals, manufacturing, or production, the proposed use is not anticipated to produce air pollution emissions greater than that of a use permitted by right. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The requested bed and breakfast inn is an anticipated use in the SF-R zoning district, requiring a Conditional Use Permit. Therefore, the establishment of the use at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other

alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The applicant is utilizing the existing infrastructure from the existing single-family residence. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

Staff Analysis: As mentioned, the requested use is an anticipated use in the SF-R zoning district. Therefore, the use is not anticipated to place a demand on municipal police or fire protection services beyond capacity if the special events adhere to the conditions of approval. **Meets Criterion as conditioned.**

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

Staff Analysis: Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

During typical day to day operations, staff anticipates that the requested use will generate noise levels that are compliant with Section 15.24 as related to the bed and breakfast inn use. Staff has remaining concerns regarding the hosting of large private events and parties at the site, specifically outdoor events in the evenings and on weekends. Staff has included a condition of approval that all special events shall take place between the check-in/check-out hours of 8:00 am to 10:00 pm. **Meets Criterion as conditioned.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

Staff Analysis: The applicant has not proposed permanent additional lighting on the site as part of this application and states that the conditional use will not result in excess light or glare onto residential properties. The applicant states in their justification statement that any additional lighting required will be infrequent and will be sufficiently set back from neighboring residential properties. **Meets Criterion.**

Section 23.2-29(f): Findings for nonresidential conditional uses in residential districts

Prior to approving any nonresidential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the decision-making authority (HRPB) shall find based on competent substantial evidence that:

1. The location of the conditional use will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long-range development of the district for the residential purposes intended.

Staff Analysis: The proposal does not physically alter the existing single-family residence and the day to day operations as a bed and breakfast inn should not be hazardous nor inconvenient to the residential character of the area or the long-range development of the district. Staff does have remaining concerns regarding the additional noise, traffic, and potential disturbances that may be caused by large events which could alter the character of the neighborhood, where residential purposes are intended. **Meets Criterion as conditioned.**

2. The size of the conditional use and the nature and intensity of the operations involved will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long-range development of the district for the residential purposes intended.

Staff Analysis: The conditional use application proposes a bed and breakfast inn with four (4) rentable suites. The day to day operation of a small-scale bed and breakfast will likely not result in hazardous or inconvenient disturbances to the single-family residential neighborhood. The nature and intensity of special events may impact the surrounding residential neighborhood if adequate parking is not provided and noise levels exceed the allowable limit established in the LDRs. Staff has included conditions of approval to address the management of spillover/excess parking. **Meets Criterion as conditioned.**

3. The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential development by being completely or largely surrounded by arterial streets and nonresidential land uses.

Staff Analysis: The conditional use should not cause any residential area, existing or planned, to be isolated from other residential development. The subject parcel is located at the northeast corner of the single-family residential zoning district. The parcels to the north are also residential, but of a higher intensity than the single-family district, with the exception of South Bryant Park, which is zoned as Public Recreation Open Space (PROS). **Meets Criterion.**

4. The design of buildings for commercial and office conditional uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards and any other pertinent considerations.

Staff Analysis: The applicant has not proposed any alterations to the existing historic structure. Any future exterior alterations to the building will require compliance with the Historic Preservation Ordinance and Historic Preservation Design Guidelines. **Meets Criterion.**

Section 23.2-29(g): Additional requirements

Prior to approving any conditional use permit, the decision-making authority (HRPB) shall ensure that the following requirements have been met:

1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.

Staff Analysis: As indicated in the background section of this report on page 2, the property has an active code violation (#20-1421). Staff has included a condition of approval that the code violation be resolved prior to the issuance of Lake Worth Beach Business License and that no additional violations related to unpermitted work are identified. **Meets Criterion as conditioned.**

2. Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless the request for amendment of conditions is part of the current conditional use permit application.

Staff Analysis: Not applicable, the property is currently a single-family residence.

Section 23.4-13(c)(2)(B): Regulations and Standards for Bed and Breakfast Inns

Section 23.4-13(c)(2)(B) of the City's Land Development Regulations states that bed and breakfast inns shall follow the specific regulations and standards for bed and breakfast inns. The applicants have submitted a justification statement answering the criteria, provided in this report as **Attachment F**. A property survey, floorplans, and supporting documentation are included as **Attachment G**. Staff has reviewed the specific standards for bed and breakfast inns, as follows:

1. Bed and breakfast inns shall have a minimum of four (4) and a maximum of nine (9) private bedrooms. Each bedroom must have its own full private bath containing a tub or shower, sink and water closet. The private bedroom and bath shall be a minimum of one hundred seventy-five (175) square feet in area. Dormitory type bedrooms are expressly prohibited.

Staff Analysis: As mentioned in the applicant's justification statement and as illustrated in the floorplans, the historic structure currently has four (4) private bedrooms with full private bathrooms containing a tub or shower, sink, and water closet. The property owners are proposing to relocate their private living quarters to a room off of the rear loggia and to utilize the private bath facilities in the garage, which is connected to the structure by an open sided breezeway. Staff has included a condition of approval that the proposed owner's quarters not be utilized as an additional bedroom for the bed and breakfast, as it does not provide the minimum facilities required by criterion 1 as the bedroom does not have an en suite bathroom. **Meets Criterion as conditioned.**

2. The structure shall be a converted or new residential building, maintained as a single-family appearing structure. Multi-family apartment buildings, motels or hotels shall not be converted to bed and breakfast inns.

Staff Analysis: The structure was designed as a single-family residence and is a historically designated structure within the South Palm Park Local Historic District. The applicants are not proposing any exterior alterations which would result in the property losing its single-family residential appearance. **Meets Criterion.**

3. Bed and breakfast inns shall serve only breakfast meals to residents; which service shall be included in the daily or weekly rate. Cooking in bedrooms is prohibited.

Staff Analysis: The applicants state in their justification statement that Castle La Florentia will only serve breakfast meals to guests and that breakfast will be included in the daily or weekly rate. **Meets Criterion.**

4. Sleeping accommodations and the dining room shall appear to be a single residential structure and shall be for the exclusive use of the facility guests.

Staff Analysis: As evident in the floorplan of the structure, the dining room and guest bedrooms are located within the single-family residence. The applicants state in their justification statement that the facilities will be for the exclusive use of guests. **Meets Criterion.**

5. Guest stays shall be limited to fourteen (14) days in any single one-month period.

Staff Analysis: The applicants state in their justification statement that guest stays will be limited to fourteen (14) days in any single one-month period. **Meets Criterion.**

6. Signage for all bed and breakfast inns is limited to six (6) square feet regardless of the district provisions in which it is located.

Staff Analysis: Per the justification statement, the applicants do not intend to install any new signage on the property. Should signage be installed, it would not exceed six (6) square feet. **Meets Criterion.**

7. Commercial social events may be allowed and may require a special event permit from the City. For bed and breakfast inns in a Single-Family Residential (SF-R) district, commercial social events are limited to twenty-four (24) occasions within a single calendar year.

Staff Analysis: As special events are customarily associated but incidental to a bed and breakfast inn's use, the City's LDR provide for a maximum number of events. In the applicant's justification statement, they state that they will comply with any and all necessary permits for commercial social events to be held on the property. Based on the complaints regarding ongoing events being held at the property, staff has included conditions of approval to ensure that special events do not become the principal use on the property, which would likely result in negative impacts on the surrounding neighborhood. **Meets Criterion as conditioned.**

8. For a bed and breakfast inn to be established in a Single-Family (SF-R) District, it must be a contributing historic structure located in a designated local or national district.

Staff Analysis: The existing structure is located within a Single-Family (SF-R) District and maintains a contributing designation status within the South Palm Park Local Historic District. **Meets Criterion.**

9. The parking exemption as stipulated in Section 23.4-10 shall not be afforded to any bed and breakfast inn established in a contributing historic structure within a local historic district and zoned as Single-Family Residential (SF-R) District.

Staff Analysis: Pursuant to LDR Section 23.4-10(f)(1)(B), lodging requires 0.75 spaces per unit. The use of the property as a bed and breakfast inn with four (4) private bedrooms will require three (3) off-street parking spaces. The property maintains off street parking by means of a driveway and three (3) bay garage. The applicant's parking complies with current regulations for a bed and breakfast inn and they are not seeking a parking exemption. Staff has provided conditions of approval related to special event parking.
Meets Criterion.

10. For all bed and breakfast inns established pursuant to these LDRs a full-time responsible manager shall be available twenty-four (24) hours a day, seven (7) days a week.

Staff Analysis: The applicants state in their justification statement that they will have a responsible manager available twenty-four (24) hours a day, seven (7) days a week. **Meets Criterion.**

11. For all bed and breakfast inns established in a Single-Family Residential (SF-R) District, the property owner of record shall reside in the premises.

Staff Analysis: The property owners have submitted copies of their Florida drivers' licenses, as well as Lake Worth Beach utility bills, and information regarding their Homestead Exemption to the Department for Community Sustainability to establish proof of residency. They are the owners of record and state in their justification statement that they will reside on premises. Staff confirmed with the applicants their intention to occupy the bedroom identified as the owner's quarters on the floor plan. The owner's quarters have double set of French doors off the loggia/porch area with a bathroom that is located in the garage and is accessed through an open breezeway. **Meets Criterion as conditioned.**

12. All parking shall be buffered compliant with these LDRs from adjacent properties with a dense hedge or wall as stipulated in Section 23.6-1. Both a dense hedge and a wall are required when adjacent to properties within a Single-Family Residential (SF-R) district.

Staff Analysis: As the property is located in a Single-Family Residential (SF-R) district, a dense hedge and wall to buffer parking from surrounding properties is required. The parking area and driveway are buffered by a masonry site wall located on the property line and adequate hedging behind the site wall.
Meets Criterion.

13. Check-in and check-out times for bed and breakfasts located within a Single-Family Residential (SF-R) district shall be between the hours of 8:00am and 10:00pm.

Staff Analysis: The applicants maintain in their justification statement that Castle La Florentia will have a check-in and check-out times between the hours of 8:00am and 10:00 pm. Based on the promotional literature that staff received as part of a noise violation complaint, the current events venue may operate until 11:00pm with extended hours lasting until 1:00am. Staff has included a condition of approval that

all special events take place between the check-in and check-out hours that are harmonious with the SF-R neighborhood. **Meets Criterion as conditioned.**

PUBLIC COMMENT:

Staff has received public comment for this item, included as **Attachment H**. Additional public comment received after the publication of this agenda will be presented to the HRPB during at the May 12, 2021 regular meeting.

CONCLUSION:

The LDRs and Comprehensive Plan allow compatible nonresidential uses such as bed and breakfast inns in the SF-R Zoning District to be reviewed and approved through a Condition Use Permit process. Staff has concerns that the special events hosted under a bed and breakfast use may function as a principal use and produce traffic levels, noise, and general disruptions that are not consistent with the character of the neighborhood. Staff is recommending denial of the proposed conditional use as the documented special events that have occurred without City approvals have resulted in negative impacts that are not harmonious with the SF-R zoning district. Should the HRPB make positive findings for the specific standards for conditional uses, findings for non-residential uses in residential districts, and the standards for bed and breakfast inns, staff has provided the following conditions of approval for consideration.

Conditions of Approval

1. Commercial vehicles shall not be loaded, unloaded, or parked on city rights-of-way or adjacent residential properties.
2. Guests of the bed and breakfast inn, special events attendees, facility employees and related contractors shall park on the premises, or at a location designated in a shared parking agreement. A shared parking agreement for excess/overflow parking shall be submitted and reviewed prior to the issuance of a Lake Worth Beach business license. Valet parking shall be provided for all special events. A parking plan shall be submitted illustrating how valet services will function for special events.
3. All special events shall require a Leisure Services events license.
4. All code violations, including unpermitted work violations shall be resolved prior to the issuance of a business license.
5. Special event permits shall be limited to twenty-four (24) events in a single calendar year. Twelve (12) events per year shall be allowed to have a maximum of 100 guests on premises. The remaining events shall be under fifty (50) guests. All events shall be associated with a registered guest of the bed and breakfast inn.
6. All special events shall take place between the check-in/check-out hours of 8:00 am to 10:00 pm.
7. The proposed owners' quarters shall not be rented as an additional bedroom for the bed and breakfast use, as it does not provide the minimum facilities required per Section 23.4-13(c)(2)(B)(1), including that the living space/bedroom's bathroom can only be accessed through an open sided breezeway in the garage.
8. The property owner and/or business owner shall submit an annual audit that identifies the total business receipts by use. The purpose of the report is to ensure that the accessory special event use shall not generate more than thirty percent (30%) of the total gross income for the bed and breakfast use. Additional data shall be required by staff, if necessary, to confirm compliance with the 30% maximum. The audit shall also include the business's tourist development tax return(s).

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00500001, with staff recommended conditions, for a CUP for a Bed and Breakfast, Castle La Florentia, for the property located at **1 5th Avenue South**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** HRPB Project Number 21-00500001 for a CUP for a Bed and Breakfast, Castle La Florentia, for the property located at **1 5th Avenue South**, because the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulation.

ATTACHMENTS:

- A. Historic Designation | Florida Master Site File
- B. Current Photos
- C. Universal Development Application
- D. Applicant Justification Statement LDR Sec. 23.2-29(d)
- E. Castle La Florentia Promotional Material
- F. Applicant Justification Statement LDR Sec. 23.4-13(c)(2)(B)
- G. Supporting Documents
- H. Public Comments