



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 30, 2022 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [September 14, 2022 Regular Meeting Minutes](#)
- B. [September 21, 2022 Regular Meeting Minutes](#)
- C. [October 12, 2022 Regular Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [324 North K Street](#)
[1120 South Lakeside Dr](#)
[504 3rd Ave South](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [HRPB Project Number 22-00100376](#): Consideration of a Certificate of Appropriateness (COA) for front door replacement for a single family house located at 432 South L Street; PCN# 38-43-44-21-15-157-0010. The subject property is a contributing resource within the Southeast Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is Medium Density Residential (MDR).**
- B. [HRPB Project Number 22-00100370](#): Consideration of a Certificate of Appropriateness (COA) for the demolition of an existing structure and construction of a new ± 6,145 square**

foot single-family residence located at 1120 South Lakeside Drive; PCN #38-43-44-27-01-051-0021. The subject property is located in the Single Family Residential (SFR) zoning district and is a non-contributing property in the South Palm Park Local Historic District. The future land use is Single Family Residential (SFR).

- C. HRPB Project Number 22-01500005:** A request for a variance to allow a generator in the front yard along South M Street for the property located at 504 3rd Avenue South; PCN #38-43-44-21-15-091-0300. The subject property is a non-contributing resource within the Southeast Lucerne Local Historic District and is located in the Multi-Family Residential (MF-20) zoning district. The future land use designation Medium Density Residential (MDR).

PLANNING ISSUES:

- A. Conceptual Review for potential demolition of an existing garage and construction of a new accessory structure with a garage and an apartment unit.

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, SEPTEMBER 14, 2022 -- 6:03 PM**

ROLL CALL and RECORDING OF ABSENCES Present were: Stephen Pickett, Chairman; Robert D'Arinzo, Nadine Heitz, Mariana Gonzales. Also present were: Annie Greening, Senior Preservation Planner; Yeneneh Terife, Preservation Planner; Erin Sita, Asst. Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA: None

APPROVAL OF MINUTES:

- A. May 11, 2022 Workshop minutes
- B. June 8, 2022 Regular Meeting Minutes

Motion: R. D'Arinzo moves to approve the minutes as presented; N. Heitz 2nd.

Vote: Ayes all, unanimous

CASES

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

OATH of OFFICE Board Secretary administers Oath of Office to two new Board members: Nadine Heitz and Mariana Gonzales.

PROOF OF PUBLICATION: Provided in the meeting packet.

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS:

BOARD DISCLOSURE:

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. HRPB Project Number 22-00100250: Consideration of a Certificate of Appropriateness (COA) for door replacement for a single-family house located at 432 South L Street; PCN# 38-43-44-21-15-157-0010. The subject property is a contributing resource within the

Southeast Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is Medium Density Residential (MDR).

Staff: Y. Terefe presents case findings and analysis. It is a frame vernacular home with stucco applied. For contributing structures all doors are taken into consideration regardless of location/facade. Owner is proposing to utilize a raised panel door whereas guidelines call for a frame vernacular recessed panel door. A three-panel craftsman style door can be approved administratively. Only the Board can determine if they are willing to consider only the front door, this is not an administrative approval. The work was initiated without permit.

Applicant: David Battle- family member resides in the house. Always thought that whatever was removed, had to be replaced. Questions if the rear entrance door is also under review. The Design Guidelines did not provide enough specific details to select the proper door. The contractor could not locate the recessed panel door.

Staff confirms that Therma Tru and PlasPro manufacturers have 3-panel doors craftsman style in the correct height and are available on the market. Staff is also able to administratively approve frosted light front doors and 15-light French doors. Board members state as the "big box" back door faces an alley, they do not have concern for that door. Although the applicant wants a Miami-Dade approved impact door, Board members agree the door should meet the Design Guidelines. The Therma Tru and Plas Pro doors are impact rated door, but not intended for upper level beach condo applications.

Applicant questions how so many doors in the neighborhood do not meet Design Guidelines.

Staff: Leaded doors and raised panel doors are not being permitted when being replaced. Code officers and building inspectors are increasingly aware of unpermitted work.

Board: A door that meets Design Guidelines but is not impact rated can be approved. Should the homeowner not choose or afford an impact rated door, they are still able to achieve protection with hurricane panels.

Applicant does not want to purchase any door that is not Miami-Dade approved.

Staff: The door is available through Lowe's or Home Depot but would need to be custom ordered, it is not an off the rack item

Motion: R. D'Arinzo moves to approve one-half of HRPB 22-00100250 based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach LDR's and Historic Preservation requirements. The door replacement on the back door is approved while the front door must meet Historic Preservation Design Guidelines, the proposed is not approved; M. Gonzales 2nd.

Vote: Ayes all, unanimous.

- B. HRPB Project Number 21-00100169: Consideration of a Certificate of Appropriateness (COA) for a new attached 1-car garage and a new 2-story wood-framed accessory building with a covered patio for a building located at 315 North Ocean Breeze; PCN# 38-43-44-21-15-096-0130. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is Single Family Residential (SFR). A historic waiver is required to allow the accessory structure to exceed 40% of the principal structure.

Staff: A. Greening provides case findings and analysis. A Historic Waiver is required for the accessory structure to exceed 40% of the principal structure, requirement is at 613 square feet

while the applicant is requesting 963 square feet. Removal of the lattice roof balcony is recommended as it is visible from the street and would eliminate the need for the waiver. All other proposed improvements are compatible with the guidelines. The accessory structure is allowed in Single Family residential, not accessory dwelling units. Staff understanding is it is guest quarters, extension of the living space.

Architect for the Applicant: Geoffrey Harris- to be used as a pool house, secondary bedroom. The owner wanted as much covered space as possible for entertaining by the pool. Cannot find in code where it states uncovered exterior space is included in the square footage of the house. Due to the oak trees on site the balcony will be difficult to see.

Board: Is it a rental? **Response-** yes, the owner is renting the entire property, long term. Board chair notes a Condition stating that Air B+B's were not allowed was not included.

Staff: A condition shall be added to the Conditions of Approval that the unit cannot be rented as a separate dwelling unit.

Shall not be used as a short-term rental or vacation rental until such time as the City Land Development Regulations are amended to include said use. The rear accessory structure shall not be considered a separate dwelling unit.

Board: Is this setting a precedent?

Staff: By definition: An accessory structure incurs building lot coverage and is not open air (shed, garage). The project is over the square footage. Exterior square footage of the existing structure was counted as well as exterior square footage of the new structure. If the exterior square footage on the existing structure were excluded, and the square footage on the proposed exterior areas were excluded it would still exceed the square footage.

If it were attached to the main structure, it would meet code. The waiver allows the integrity of the main structure to remain intact while allowing for an accessory structure to accommodate additional living space; it is in lieu of an addition. Only contributing structures are eligible for waivers.

Architect for the Applicant: Requests removal of the front deck, 8x8 square which would then reduce the waiver request to 23% (a 112-square foot reduction).

Motion: R. D'Arinzo moves to approve HP 22-00100169 with staff recommended Conditions of Approval for the Certificate of Appropriateness, amended to include:

Shall not be used as a Short - term rental or vacation rental until such time as the City Land Development Regulations are amended to include said use. The rear accessory structure shall not be considered a separate dwelling unit and;

The side porch of upper and lower levels be removed.

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; M. Gonzales 2nd.

Vote: Ayes all, unanimous.

C. HRPB Project Number 22-00100258: Consideration of a Certificate of Appropriateness (COA) for a new detached accessory structure with a two-car garage and additional living space on the second floor for the property located at 427 South K Street; PCN# 38-43-44-21-15-153-0300. The subject property is a contributing resource within the Southeast Lucerne Historic District. The property is located in the Single Family Residential (SFR)

zoning district. The future land use designation is Medium Density Residential (MDR). A historic waiver is required to allow the accessory structure to exceed 40% of the principal structure.

Staff: A. Greening presents case findings and analysis. Garage condemned on May 31, 2022 and will be demolished to facilitate the new construction. The mother in law suite with bedroom, living space, small sink, bathroom. The waiver is required as the structure exceeds the coverage by 43 square feet. As it is a two-story structure the wall height limitation is 24 feet with a 10 foot setback. The applicant has agreed to that setback in order to achieve the desired height of 23 ft 6 inches. Staff finds the project to be compatible with surrounding structures; the proposed structure is complimentary to the existing structure including materials, form and detailing.

Board: Will windows and doors be approved by staff. Response- yes, if Board would like a different window configuration, now is the time to suggest or condition. There is concern regarding the blank wall and rhythm of solids to voids. Staff suggests a faux window or additional window.

Architect: States the wall would interfere with interior furniture placement. A window could be added higher up on the wall-2nd floor bedroom window.

Public Comment: None

Motion: M. Gonzales moves to approve HRPB 22-00100258 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 with the additional requirement of an added bedroom window on the 2nd floor. R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. 338 Cornell Drive conceptual review for new construction.

Staff: Condemned on May 31, 2022. To date no demolition permit has been applied for. The banyan tree can be saved, the City horticulturist has already visited the site.

Agent for applicant: The proposed structure will be either of the streamline modern style with eyebrows and railings or mission revival. Would like the two structures to mirror each other. The west lot and east lot porches would face each other. Although the current structure occupies a 100 foot lot, it will be split back to the original platted lots of record- two fifty foot wide lots.

Staff: There are no provisions in the Design Guidelines for mirror image/look alike structures. As it is a contributing structure, it should either be reconstructed or rebuilt.

Board: Would like some differentiation between the two structures. Other issues may be the garage door and massing facing the street.

PUBLIC COMMENTS: (3 minute limit)

Wes Blackman states the parcel at 1120 S Lakeside property will be coming for review soon.

John Smith of 814 North J St. congratulates newest Board members on their appointment and hopes this important Board will embrace the dynamics of a unique living, breathing city.

DEPARTMENT REPORTS:

A. Notification of the demolition of an accessory structure located at 428 North Palmway. The shed is a non-contributing resource. Condemned on August 23, 2022.

B. Use table amendments are on the horizon for upcoming meetings.

BOARD MEMBER COMMENTS: No applications have been received for 106 Ocean Breeze.

ADJOURNMENT: 7:51 pm



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

ROLL CALL and RECORDING OF ABSENCES Present were: Stephen Pickett, Chairman; R. D'Arinzo; Nadine Heitz; Jamie Foreman; Mariana Gonzales; Tricia Hallison-Mischler. Also present were: Annie Greening, Senior Preservation Planner; Yeneneh Terefe, Preservation Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

OATH OF OFFICE

Board Secretary administered Oath of Office to new Board members: Tricia Hallison-Mischler and Jamie Foreman.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES: None

CASES

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

PROOF OF PUBLICATION Provided in meeting packet.

- 1) 301 8th Ave North

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS: None

NEW BUSINESS:

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

Staff: E. Sita presents case findings and analysis. Applicant installed fence in this location outside the scope of the permit and now requesting a variance.

All members of the Board, in particular new members, are apprised of their role with regard to Land Development Regulations, as pertains to the variance criteria. Normally the Board reviews projects in light of Historic requirements and Historic Design Guidelines.

Asst. Director explains how the frontage is determined which is the narrowest part on the Right-of-Way. What implication does that have on walls, fences, and relationship to the sidewalk, alley etc.? The applicant originally came to discuss in 2019. The front door is on the side property line. An administrative decision was made to allow a portion of the side property line to be deemed a front property line which allowed a portion of the fence (4 foot in height) to be placed at the property line. The balance of the fence was to be set back 30 inches with a landscape screen between the fence and sidewalk. Once the permit was approved and inspected, the property owner removed the fence and re-installed a six (6) foot fence at the property line outside the scope of the permit. One year ago a Variance request before this Board to allow the fence installed on the property line was denied. Again, staff administratively allowed the balance of the side property line to receive the fence but setback 30 inches as opposed to the normally required 5 feet for the side property line setback. There are two (2) primary reasons why six (6) fencing on the sidewalk is not allowed:

- It creates a bland visual barrier.
- Public Works does not want fences set against the sidewalk because when there is a sidewalk repair, more often than not, the fence will incur damage and the City will have to re-imburse the homeowner for the damage.

The applicant is now in Code Enforcement. All four of the variance criteria must be met in order to grant the Variance request.

- Special Circumstance which is peculiar to the lot and not generally found in the neighborhood-many houses with the front door faces the side, a typical arrangement in the City.
- Deprivation of Reasonable Use
- Variance is the minimum variance which makes possible the reasonable use of the land; and
- Granting of the variance in the spirit and purpose of the chapter will not be unduly injurious to the contiguous properties and neighborhood.

Wes Blackman on behalf of the Applicant: Believes the house does have special circumstances. Small decisions seem small but are large in peoples lives.

Arborist for the Applicant: Jeff Shimonski discusses the critical root zone for the saplings on the property and effect of loss of canopy if pruned to accommodate the fence being moved.

Applicant: Giovanna Dominguez Timor The property can be seen from Federal Hwy.. A rolling gate permit was denied until such time as the fence violation is resolved. Applicant states they understand the code and is suffering from the letter of the code, experiencing a lack of privacy. Property was purchased in 2017. Items have been stolen from the property, pedestrian traffic has increased, encountered people sleeping on the property, adult daughter is harassed by passersby when hanging clothes on the clothesline. Received eleven (11) letters of support from neighbors. Gabriella Mazzone questions where is the harm from a fence, a four (4) foot fence does not afford protection.

Board: Clarification that the fence in question is the one along 8th Avenue North: an eight (8) foot fence is allowed on the Federal Hwy side. Does a mango tree need a permit for removal?

Response: The mango tree does not need a permit for removal. **Board:** Why was the fence moved to the wrong place? Chairman doesn't completely understand how the fence post would impact the roots. **Arborist response:** The moving of fence would necessitate trimming of the canopy. **Board** members question which is important - the claim of needing safety or the loss of the mango tree? Members have empathy but believe the mango tree is a "red herring." Board member cites Seaside, in the panhandle, as an example of how to effectively achieve privacy with a 4- foot fence and landscaping. Doesn't understand taking matter in own hands, there needs to be consistency in the neighborhood. Staff has multiple made accommodations and worked to resolve the situation. Neither the Board nor staff are denying solutions to the security, code is there for a reason not as punishment. Once this is resolved then the rolling gate could be permitted.

Public Comments: Erika Gettig- writes in favor of fence and believes there are different ways to look at variances. Brendon McCarthy- also in favor of the granting of the variance. These comments were received after the publication of the meeting materials which included eleven other comments.

Motion: J. Foreman moves to deny HRPB 22-01500002 as the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations; R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

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

Staff: A. Greening presents case findings and analysis. The request is to allow horizontal rollers or awning windows in two openings. They are not appropriate for frame vernacular architecture. Staff is recommending six over one single-hung windows. This is not a request that can be administratively approved.

Applicant: Jason Maki -The north façade is not easily visible from the street. The difficulty is in the re-location of electric and sprinkler system. There is no header in the window, it may have been a screened in porch. The windows are horizontal so they do not match anything. Intends to put a header in but the roller would save money by not having to replace the siding. Would make the height slightly larger to match the 6 over portion on the rest of the house.

Staff: There is the option to apply muntins to the rollers or 2 over 2 in each roller.

Board: M. Gonzales proposes 3 over one on each awning (which would be 6 over one in appearance) for continuity with the existing window light pattern.

Motion: R. D'Arinzo moves to approve HRPB 22-00100239 with amended conditions as stated, the replacement windows shall match the 6 over 6 portion of the existing windows, 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; M. Gonzales 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: Staff has been notified by inspectors of 2 projects (314 South K Street and 501 North K Street) working out of scope of window permits. One may come before the Board for a Historic Waiver.

BOARD MEMBER COMMENTS: Welcome of new members to the Board.

ADJOURNMENT 7:28 PM



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 12, 2022 -- 6:05 PM**

ROLL CALL and RECORDING OF ABSENCES Present were: Bernard Guthrie, Vice-Chair; R. D'Arinzo; Jamie Foreman; Tricia Hallison-Mischler; Mariana Gonzalez. Absent: Stephen Pickett and Nadine Heitz. Also present were: Annie Greening, Senior Preservation Planner; Yeneneh Terefe, Preservation Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA: None

Motion to approve: R. D'Arinzo; J. Foreman 2nd. **Vote:** Ayes all, unanimous.

APPROVAL OF MINUTES: None

CASES

SWEARING IN OF STAFF AND APPLICANTS: No quasi-judicial items.

PROOF OF PUBLICATION

- 1) HRPB 22-00100335
Ordinance 2022-20

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: No quasi-judicial items.

UNFINISHED BUSINESS:

NEW BUSINESS:

A. HRPB Project Number 22-00100335: A request for a variance to allow construction of a pool and placement of associated pool equipment within the required side setback for the property located at 2313 North Federal Highway; PCN #38-43-44-15-06-004-1410. The subject property is a contributing resource within the College Park Historic District and is located in the Single-Family Residential (SFR) zoning district. The future land use designation is Single Family Residential (SFR).

This item is continued to the November 9, 2022 HRPB meeting.

Motion: R.D'Arinzo moves to continue HRPB 22-00100335 to the November 9, 2022 Regular meeting; M. Gonzales 2nd. **Vote:** Ayes all, unanimous.

- B. Ordinance 2022-20: Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 3 "Zoning Districts," Division 7 "Public Districts," Section 23.3-26 "P- Public," and Section 23.3-27 "PROS – Public Recreation and Open Space" for consistency with the use tables in Section 23.3-6 and clarifying the approval process for uses in the public districts; and Division 8 "Conservation District," Section 23.3-28 "C- Conservation," for consistency with the use tables in Section 23.3-6, correcting a scrivener's error and modifying the approval process to require conditional use approval for new uses; and Division 1 "Generally," Section 23.3-6 "Use Tables," to remove the P, PROS, and C zoning districts from all use categories in the use tables in this section except from the "Temporary Uses" category.

Board Attorney reads the Ordinance Title.

Staff: E. Sita explains the intent is to remove columns from the use tables entitled " P (Public), Pros (Public Recreation and Open Space), and C (Conservation)". The text remains within the Land Development Regulations. In the course of review of a Land Use change last year, it was discovered the type of use to be requested with the upcoming site plan would not be permitted within the Public district without this change. At the direction of City Commission, this Ordinance will clean up those conflicts within the use table. The result will be all uses in those zoning districts require Conditional Use approval resulting in a more stringent by Board hearing than Administrative approval by staff. Staff is more comfortable with some of the uses having a higher level of review.

Board: Board member expresses concern about removing uses from review, questions if this is a Charter amendment review.

Staff: This is not the removal of zoning districts from publicly owned land. The Charter is located in a different reference part of the Code. A Charter amendment would require a referendum. The map is not being amended. Only the Use table is being cleaned up/amended. All permitted uses in those districts will now state by Board review only and require public noticing. Many zoning codes do not contain a use table. This is a handy item for the public, but due to the current size, it is unnecessarily cumbersome and difficult to read. The requirements remain in the text of the code which is more concise.

Board: Do people regularly complain? **Response:** Yes, regular users are developers. M. Gonzalez concurs that with larger projects, the table can create difficulty.

Motion: J. Foreman recommends approval/adoption of Ordinance 2022-20 to the City Commission; R. D'Arinzo 2nd.

Vote: 4 /1 in favor of motion, B. Guthrie dissenting.

PLANNING ISSUES: None

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: A. Greening announces the Preservation Award Program will continue in May 2023.

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:00 pm

Legal Notice No. 41261

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **November 30, 2022 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #22-00100321: Request for a Certificate of Appropriateness (COA) for the construction of a new \pm 4,342 square foot single-family structure with a Sustainable Bonus Program Incentive request for additional FAR located at 324 North K Street. The subject property is located in the Multi-Family Residential (MF-20) zoning district and has a future land use designation of Medium Density Residential (MDR). The property is a non-contributing resource in the Northeast Lucerne Local Historic District. PCN #38-43-44-21-15-090-0120.

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

Public comment will be accommodated in person at the meeting, or virtually through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, email historicpreservation@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 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 historicpreservation@lakeworthbeachfl.gov.

If a person decides to appeal any decision made by the Board, Agency or Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). **In accordance with the provisions of the American with Disabilities Act (ADA) this document may be requested in an alternative format. Persons in need of special accommodation to participate in this proceeding are entitled to the provision of certain assistance. Please call 561-586-1687 or email historicpreservation@lakeworthbeachfl.gov.**

Legal Notice No. 41263

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **Wednesday, November 30, 2022 at 6:00 pm** or as soon thereafter to consider the following application.

HRPB Project Number 22-01500005: Consideration of a variance to allow a generator in the front yard along South M Street for the property located at 504 3rd Avenue South. The subject site is zoned Multi-family Residential 20 (MF-20) and has a future land use designation of Medium Density Residential (MDR).

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

Public comment will be accommodated in person at the meeting, or virtually prior to the meeting through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please email pzoning@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability Planning and Zoning 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

Public Notice

Legal Notice No. 41262

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct a meeting at 7 North Dixie Highway, Lake Worth Beach on **November 30, 2022 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #22-00100370: Request for a Certificate of Appropriateness (COA) for the demolition of an existing structure and construction of a new \pm 6,145 square foot single-family residence located at 1120 South Lakeside Drive. The subject property is located in the Single Family Residential (SFR) zoning district and has a future land use designation of Single Family Residential (SFR). The property is a non-contributing resource in the South Palm Park Historic District. PCN #38-43-44-27-01-051-0021.

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

Public comment will be accommodated in person at the meeting, or virtually through the web portal: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, email historicpreservation@lakeworthbeachfl.gov for a comment to be read into the record by a staff member. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 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 historicpreservation@lakeworthbeachfl.gov.

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

Publish: The Lake Worth Herald
November 17, 2022



MEMORANDUM DATE: November 2, 2022

AGENDA DATE: November 9, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **432 South L Street**

FROM: Anne Greening, Senior Preservation Planner
Yeneneh Terefe, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 22-00100376:** Consideration of a Certificate of Appropriateness (COA) for front door replacement for a single-family house located at 432 South L Street; PCN# 38-43-44-21-15-157-0010. The subject property is a contributing resource within the Southeast Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is Medium Density Residential (MDR).

OWNER(S): David and Kristen Batlle
6048 Eagles Nest Drive
Jupiter, FL 33458

PROPERTY DEVELOPMENT HISTORY:

According to the property appraisers' records and the historical property files, the single-story structure was constructed in 1940. Although the structure has the appearance of masonry vernacular home, the property record card indicates that it is of frame construction. A brick veneer was applied in 1949. The records for enclosing the back porch in 1940 indicate exterior brickwork, and a bathroom addition in 1950 also indicates that exterior brick was added. There is no record of when the stucco siding was applied. A permit for garage demolition was filed in 1976. Although somewhat masonry vernacular in appearance, the home is most closely identified as a frame vernacular due to the frame construction with applied brick/stucco veneer. The property is listed as a frame vernacular structure on the Florida Master Site File (FMSF) as PB07040.

The property came before the HRPB on September 14, 2022, to request replacement of their front and rear doors with raised six-panel doors, which are not considered appropriate for the Wood Frame Vernacular architectural style. The HRPB granted their request for the raised six-panel back door and conditioned that the replacement front door must conform to the Historic Preservation Design Guidelines.

BACKGROUND:

- On March 4, 2022 the property owners applied for a permit for window and door replacement for the property at 432 South L Street. The permit was disapproved on March 28, 2022 due to insufficient documentation.
- The permit was resubmitted and was disapproved again on May 12, 2022 for insufficient information and for architecturally inappropriate proposed replacement doors.
- On June 6, 2022, staff scheduled the project for the July 13th HRPB meeting, as the property owner wanted to use window and door replacements that were not approved in the Historic Preservation Design Guidelines.
- As the July and August HRPB meetings were cancelled due to lack of quorum, the property owner chose to comply with the Design Guidelines for their windows. Permit #22-1029 for window replacement was approved on August 17, 2022.
- On September 14, 2022 the property owner came before the HRPB board to request replacement of their front and rear doors with raised six-panel doors, which are not considered appropriate for the Wood Frame Vernacular architectural style. The HRPB granted their request for the raised six-panel back door and conditioned that the replacement front door must conform to the Historic Preservation Design Guidelines.
- On September 19, 2022, staff sent the property owner a list of example impact doors from PlastPro and ThermaTru manufacturers that are considered appropriate for the Wood Frame Vernacular style.
- On September 28, 2022, the property owner sent staff three potential replacement front doors. Staff discussed these with the Assistant Director, Erin Sita, and the Director of Community Sustainability, William Waters, and sent comments regarding the proposed doors on October 4, 2022.
- After further discussions with the property owner, staff send additional examples of appropriate replacement front doors on October 14, 2022.
- On October 17, 2022, the property owner asked to take the project to the November 9th HRPB meeting to seek the Board's approval for a 9-light, vertical tongue-and-groove panel front door, as they had already bought the door.
- A backup of the email discussions between staff and the property owner is included as **Attachment A.**

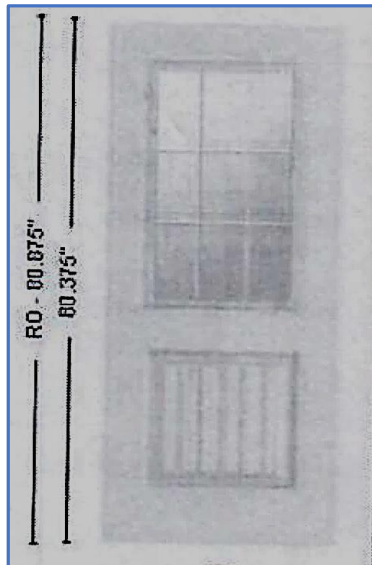
PROJECT DESCRIPTION:

The property owners, David and Kristen Batlle, are requesting a COA for front door replacement for the single-family house located at 432 South L Street. The subject property is located on the west side of South K Street between 4th Avenue South and 5th Avenue South. They propose utilizing a door with nine divided lights over a vertical tongue-and-groove panel.

Exhibit 1 – Existing Front Door



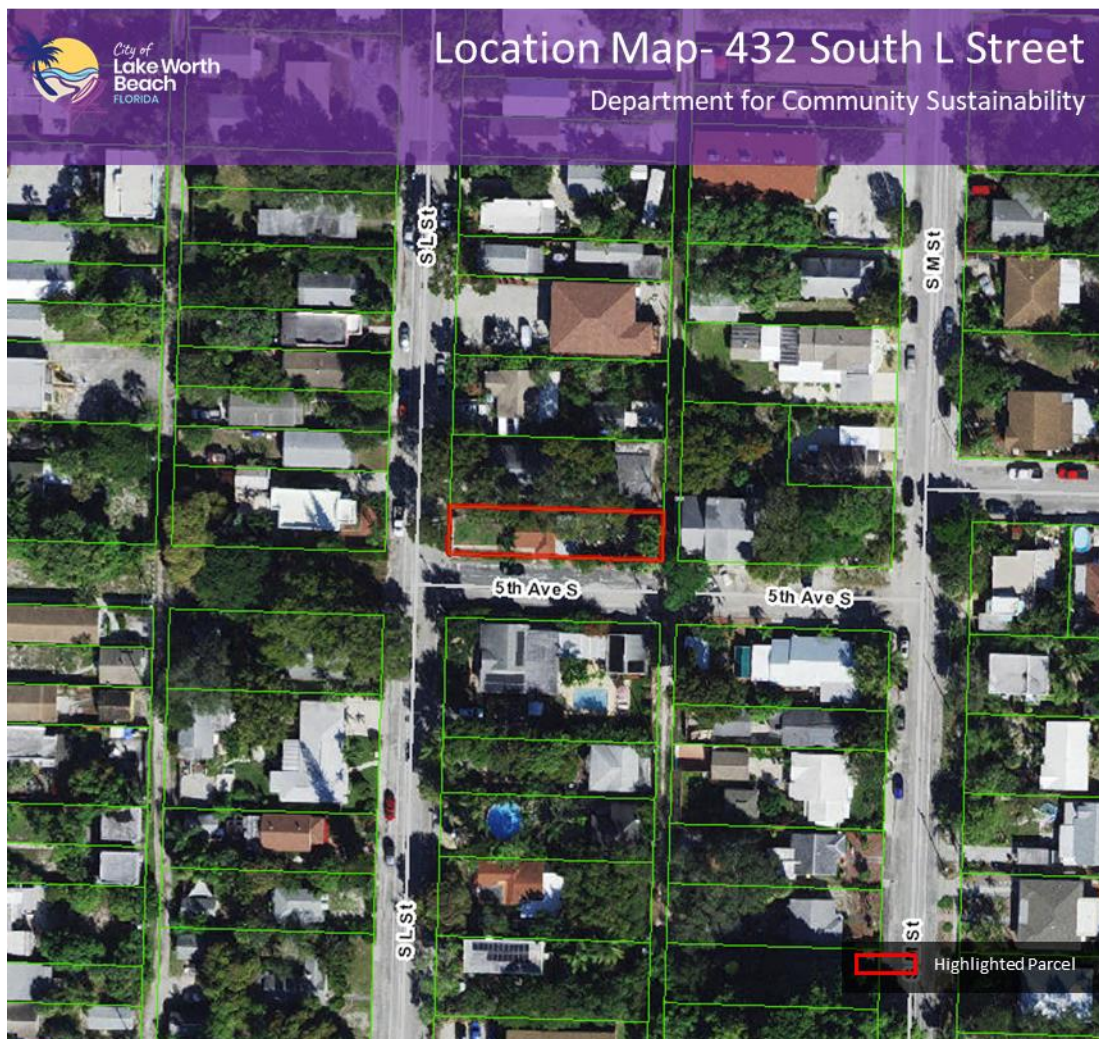
Exhibit 2 – Applicant Proposed Replacement Door



STAFF RECOMMENDATION: Staff is recommending denial of the applicant's proposed replacement door, as its panel design is more appropriate for a Mission or Mediterranean Revival style building rather than a Wood Frame Vernacular building.

Owner	David and Kristen Battle
General Location	Corner of South L Street and 5 th Avenue South
PCN	38-43-44-21-15-157-0010
Zoning	SFR - Single Family Residential; Southeast Lucerne
Existing Land Use	Single Family Residence
Future Land Use Designation	Medium Density Residential (MDR)

LOCATION MAP:



Consistency with the Comprehensive Plan

The proposed project is not consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the

enforcement of the City's Historic Preservation Ordinance to the extent feasible. Per the City's Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The current proposal is not substantiated by evidence that the proposed front door is compatible with the architectural style of the structure or current regulations.

HISTORIC PRESERVATION ANALYSIS:

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

Certificate of Appropriateness

All exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below. The Wood Frame Vernacular architectural style section of the City's Historic Preservation Design Guidelines is included as **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: Based on the City's Historic Preservation Design Guidelines, staff contends that the proposal is unsuccessful in replicating an appropriate door design for a Wood Frame Vernacular structure.
 - B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed door replacement will have no direct physical effect on any surrounding properties within the Southeast Lucerne Local Historic District.
 - C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: Per the regulations set forth in the City's Historic Preservation Design Guidelines, replacement doors shall replicate their original appearance. The proposed door, according to the Historic Preservation Design Guidelines, is not appropriate to the architectural style.
 - D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

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

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

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

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

Staff Analysis: The proposal is not in compliance with the City's Historic Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, and the City's Historic Preservation Ordinance (LDR Sec. 23.5-4).

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

Staff Analysis: The structure is designated as a contributing resource within a local historic district. Although a masonry veneer has been applied, the resource is a Wood Frame Vernacular building, which has a distinct set of architectural characteristics. The proposed door is not consistent with these guidelines.

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, the door that is being replaced is not original to the structure.

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

Staff Analysis: The proposed door does not comply with the City's Historic Preservation Design Guidelines. Therefore, the project is not visually compatible with neighboring properties.

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

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

Staff Analysis: Yes, no opening sizes will 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: The applicant has not requested replacement with doors that are less expensive than what is being proposed.

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

Staff Analysis: The proposed door does not seek to match the original historic door and is not compatible with the Wood Frame Vernacular architectural style of the building.

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

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

PUBLIC COMMENT:

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

CONCLUSION:

The proposed application is not consistent with the Wood Frame Vernacular architectural style or the Historic Preservation Design Guidelines requirements. Staff recommends denial of the proposed

replacement door, as it is more appropriate for a Mission or Mediterranean Revival style building rather than a Wood Frame Vernacular building.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 22-00100376 for a Certificate of Appropriateness (COA) for front door replacement for the property located at **432 South L Street**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 22-00100376 for a Certificate of Appropriateness (COA) for front door replacement for the property located at **432 South L Street**, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- Attachment A – Email Documentation
- Attachment B – Installation Map and Photos of Existing Door
- Attachment C – Proposed Replacement Front Door
- Attachment D – Wood Frame Vernacular Design Guidelines
- Attachment E – Justification Statement and Applications



MEMORANDUM DATE: November 2, 2021

AGENDA DATE: November 9, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1120 South Lakeside Drive**

FROM: Anne Greening, Senior Preservation Planner
Yeneneh Terefe, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 22-00100370:** Consideration of a Certificate of Appropriateness (COA) for the demolition of an existing structure and construction of a new ± 6,145 square foot single-family residence located at **1120 South Lakeside Drive**; PCN #38-43-44-27-01-051-0021. The subject property is located in the Single Family Residential (SFR) zoning district and is a non-contributing property in the South Palm Park Local Historic District. The future land use is Single Family Residential (SFR).

OWNER: LWB Development, LLC
924 South Lakeside Drive
Lake Worth Beach, FL 33460

PROJECT MANAGER: Wes Blackman
CWB Associates
241 Columbia Drive
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

In 1951, Lake Worth Architect Edgar S. Wortman designed a Masonry Minimal Traditional residence for Mr. and Mrs. T. R. Middleton at 1130 South Lakeside Drive. The design of the property was progressive for its time, featuring a sprawling and open floor plan with indoor and outdoor living areas, a recreation room with a built-in bar facility, and a one-hundred-gallon solar heated water cistern.

According to documentation within the City's property files, the building remained relatively unaltered until 1973, when subsequent property owners, Mr. and Mrs. VanBeck, commissioned a major renovation and residential additions. The renovation, designed by Lake Worth civil engineer Earl Martin, included the removal of many architectural features that once characterized the structure, including the removal of the concrete tile gable roofs and the installation of a pent roof with asphalt shingles. The additions included a family room, bedroom, two bathrooms, and a den to the rear of the house. Following these renovations, the property owners acquired the neighboring 50-foot wide parcel to the north (part of the

parcel that is now 1120 South Lakeside Drive), creating a unified lot with 150 linear feet of frontage along South Lakeside Drive.

Due to the substantial alterations to the property, the structure was given a noncontributing designation status when the South Palm Park Local Historic District was surveyed. At the March 11, 2020 HRPB meeting, the Board approved a COA (HRPB #20-00100030) for the demolition of the single-family structure in a phased plan due to the property owner's intent of developing the property as two (2) separate lots. On October 8, 2020, staff issued an administratively approved plat exemption and parcel split (#20-01200001) for the property that permitted the creation of two (2) 75-foot wide lots. On July 14, 2021, the HRPB approved a COA (HRPB #20-00100273) for the first phase of the development, which included construction of a new $\pm 7,328$ square foot structure at 1130 South Lakeside Drive. The current application is for demolition of the remaining structure and development of the second 75-foot wide lot at 1120 South Lakeside Drive.

PROJECT DESCRIPTION:

The property owner, LWB Development LLC, is requesting approval for the demolition of the remaining portion of the existing structure and construction of a new single-family residence. The subject property is a 75-foot wide lot located on the east side of South Lakeside Drive between 11th Avenue South and 12th Avenue South. A survey of the property is included as **Attachment A**. Current photos of the site are included as **Attachment B**. The parcel is located in the Single Family Residential (SFR) zoning district and retains a Future Land Use (FLU) designation of Single Family Residential (SFR).

Exhibit A: Proposed New Construction – Front Elevation

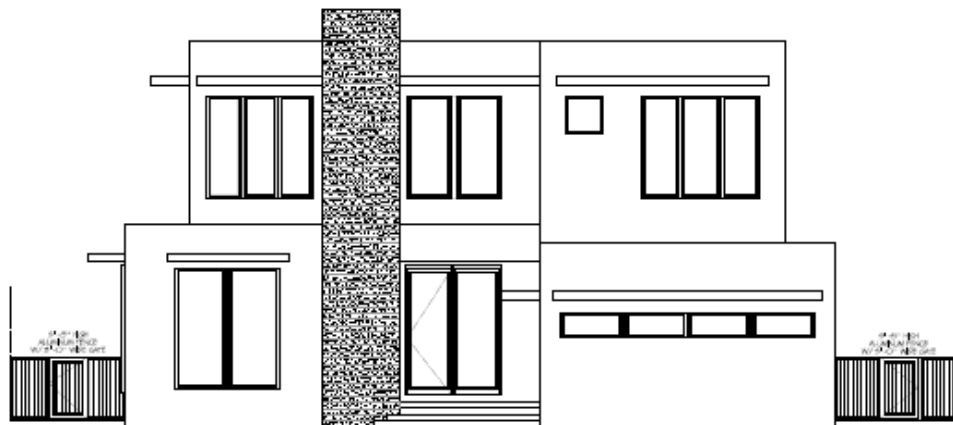
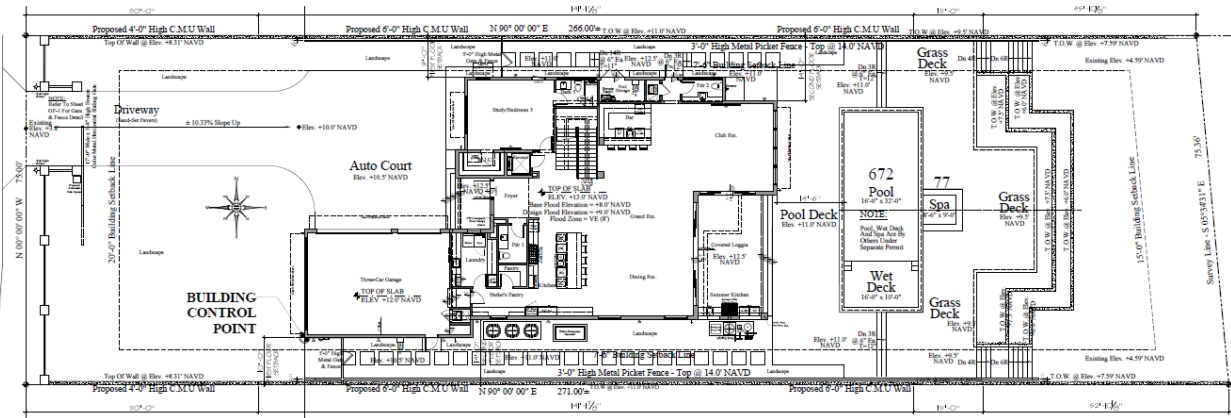


Exhibit B: Proposed New Construction – Site Plan

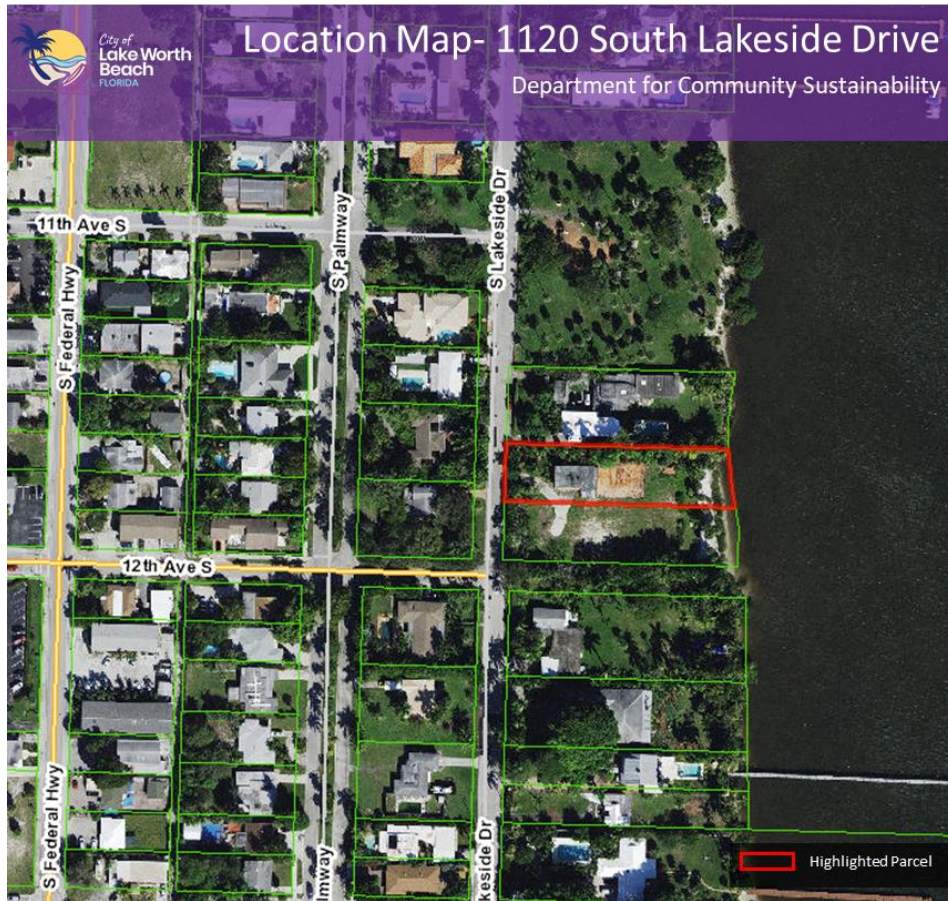


STAFF RECOMMENDATION: Staff is recommending that the HRPB discuss the compatibility of the fill and fencing along the side property lines. The fence proposed exceeds the maximum height permitted in the fence requirements. Terracing or sloping the proposed fill with complementary landscaping would provide for a more compatible development pattern to the existing single-family homes to the north and south of the property. An alternate recommendation is to reduce the total volume of fill on the property and just raise the structure. This would be consistent with the draft FEMA map floodplain requirements that have been proposed, but not adopted. Staff is recommending approval with conditions as provided on pages 12 and 13 except for the fill and fencing as proposed.

PROPERTY DESCRIPTION:

Owner	LWB Development, LLC
General Location	East side of South Lakeside Drive between 11 th Avenue South and 12 th Avenue South
PCN	38-43-44-27-01-051-0021
Zoning	Single Family Residential (SFR)
Existing Land Use	Vacant
Future Land Use Designation	Single Family Residential (SFR)

LOCATION MAP:



Consistency with the Comprehensive Plan

The subject is located in the Single Family Residential Future Land Use (FLU) designation. Per Policy 1.1.1.2 in the City's Comprehensive Plan, the FLU designation allows for a maximum density of 7 dwelling units per acre. The purpose of the Single-Family Residential designation is to permit the development of single-family structures designed for occupancy by one family or household. As the proposed structure is a single-family residence and has a proposed density of fewer than 7 units per acre, it is consistent with the intent of the Single-Family Residential designation.

The proposed single-family structure is also consistent with Goal 3.1 which seeks to achieve a supply of housing that offers a variety of residential unit types and prices for current and anticipated homeowners and renters in all household income levels by the creation and/or preservation of a full range of quality housing units. The project's architectural design complements the City's appearance as consistent with Objective 3.2.4.

ZONING ANALYSIS:

Development Standard		Required	Provided
Lot Area (min)		5,000	±22,030 ¹
Lot Width (min)		50'	75'
Max. Density (units per acre)		7 du	1 du
Building Setbacks	Front	50'	60'
	Rear	15'	90'
	Side	10% lot width (7.5')	9'
Accessory Structure Setbacks	Front	50'	175'
	Rear	5'	60'
	Side	10% lot width	15'
Maximum Impermeable Surface	Entire lot	50%	44%
	Building	30%	20%
	Front Yard	75% or 900 sf impermeable	78%
Max Building Height		30' primary, 24' garage	27'10" top of parapet ² , 13'6" top of garage
Maximum Wall Height at Side Setback		18' @ 5' setback 23' @ 10' setback with additional 1' setback for up to 30' height maximum	12' top of flat roof @ 9' setback 26'4" top of flat roof @ 14' setback
Max Floor Area Ratio (FAR)		0.45	0.29
Parking		2 spaces	3 spaces
Fence Height		6' along the side property line and 4' along front property line as measured from the natural grade	Proposed fence is measured from proposed grade, not natural grade as required by LDR Section 23.4-4(d). ³

- 1) lot area based on survey provided by applicant
- 2) top of elevator shaft measures 30'4" high; this is allowed per LDR Section 23.1-12 Definitions: Building Height.
- 3) Condition of approval proposed to revise fence height to comply with maximum fence height from the natural grade and revised fill plan at building permit. Sloping or terracing of side yards shall likely be required. If terracing is preferred, the Florida building code requires that a maximum rise of 30" is permitted per 36" of width, but a 24" rise is recommended. Reduction of the total fill is recommended.

The proposed new construction project is consistent with all site data requirements in the City's land development regulations except for the fence height due to the volume of fill proposed. Fence and wall height are required to be measured from the natural grade of the property. Therefore, staff has drafted a condition of approval clarifying that review and approval of fencing height shall occur at building permit. Terracing or sloping the proposed fill with complementary landscaping would provide for a more compatible site development design with the existing single-family homes to the north and south of the property. An alternate recommendation is to reduce the total volume of fill on the property and just raise the structure. This would be consistent with the draft FEMA map requirements that have been proposed, but not adopted. The application also meets the minimum off-street parking requirements and complies

with all impermeable surface requirements, building coverage allotments, floor area ratio, and required building setbacks. Formal and complete review for compliance with the City's Land Development Regulations, including landscaping, will be conducted at building permit review. The proposed landscape plan does not meet City requirements. The proposed site plan, architectural drawings, and landscape plan are included in this report as **Attachment C**.

HISTORIC PRESERVATION ANALYSIS:

The proposed single-family residence is designed in a contemporary style with elements of Mid-Century Modern architecture. The Mid-Century Modern architectural style gained popularity in the United States in the 1950s. Elements such as angled and flat rooflines, projecting sills or eyebrows, and the use of multiple wall materials are all character-defining features of the style. The Mid-Century Modern architectural style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment D**.

All new construction within a designated historic district shall be visually compatible. New buildings should take their design cues from the surrounding existing structures, using traditional or contemporary design standards and elements that relate to existing structures that surround them and within the historic district as a whole. Building design styles, whether contemporary or traditional, should be visually compatible with the existing structures in the district. The visual compatibility criteria for new construction within the city's historic districts is located in Section 23.5-4(k)(3)(A) in the LDRs. Staff has reviewed the criteria and provided an analysis in the section below. The applicant has also submitted a Justification Statement and has provided answers to the demolition and new construction criteria, provided in this report as **Attachment E**.

Section 23.5-4(k)(3)(A) – Additional Guidelines for New Construction

In approving or denying applications for certificates of appropriateness for new construction, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property's historic district:

- (1) The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.*

Analysis: The height of the building is taller than the height of most nearby buildings, but is similar to the height of the approved structure that will be constructed on the adjacent property (1130 South Lakeside Drive). Due to an increase in the Base Flood Elevation requirements for structures in flood-prone areas, the habitable living space for this residence is required to be at 13' NAVD (North American Vertical Datum), which is significantly higher than what was required for neighboring historic structures on lots fronting the Intracoastal Waterway. The impact of the additional FEMA-required height on the surrounding neighborhood is somewhat mitigated with the 50' front setback requirement for these larger waterfront lots. Terracing or sloping the proposed fill with complementary landscaping would provide for a more compatible site development design with the existing single-family homes to the north and south of the property. An alternate recommendation is to reduce the total volume of fill on the property and just raise the structure. This would be consistent with the draft FEMA map floodplain requirements that have been proposed, but not adopted.

(2) The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.

Analysis: The width of the front elevation is in scale with the surrounding properties. The height of the front elevation is taller than many of the surrounding properties, but is in harmony with other two-story properties nearby, including the property directly to the south.

(3) For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.

Analysis: The proposal is new construction and not a landmarked or contributing building, but the openings are appropriately sized and in harmony with visually related buildings in the South Palm Park Historic District. Like other homes in the surrounding area, the proposed new construction has an integrated garage at the front of the structure.

(4) The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.

Analysis: The front (west) elevation largely avoids expanses of black façade, and the relationship of solids to voids is in harmony with neighboring buildings.

(5) The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.

Analysis: The proposed building adheres to setback requirements within the current zoning code and is spaced appropriately in relation to neighboring buildings. The proposed structure is set back an additional 10 feet from the front property line to help accommodate the increased building height due to base flood elevation requirements.

(6) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.

Analysis: The proposed design places the front entrance and porch towards the center of the front (west) elevation, which is in harmony with most other nearby buildings. The garage also projects out from the façade, which is common among surrounding buildings.

(7) The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the historic district.

Analysis: The proposed building will utilize a smooth stucco wall texture and porcelain tile on the elevator shaft. Smooth stucco is common within the South Palm Park Historic District.

(8) The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the historic district.

Analysis: The building utilizes a flat roof with a short parapet, which is a compatible roof type for many architectural styles within the South Palm Park Local Historic District.

(9) Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to ensure visual compatibility of the building to the buildings and places to which it is visually related.

Analysis: The site features are largely appropriate for the structure and its context in the neighborhood, excluding the issues of fence height and fill. Terracing or sloping the proposed fill with complementary landscaping would provide for a more compatible site development to the existing single-family homes to the north and south of the property. The fencing and landscaping as proposed do not meet LDR requirements. Therefore, staff has proposed a condition of approval to address these concerns at building permit.

(10) The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.

Analysis: The size and mass of the proposed building are more substantial than most neighboring properties, but are still generally appropriate for the surrounding neighborhood. The building also utilizes a significant amount of glazing, overhangs, and a prominent elevator shaft to add visual interest and increase visual compatibility.

(11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.

Analysis: The applicant has provided a streetscape showing the building in relation to those to either side of it. The building's height and massing are more substantial than most neighboring properties, but the building utilizes a staggered façade on the front elevation and has an increased front setback to help reduce its visual impact. Additionally, the building's height and massing are in harmony with that of the structure directly south of the proposed new construction.

(12) The architectural style of a building shall be visually compatible with other buildings to which it is related in the historic district, but does not necessarily have to be in the same style of buildings in the

district. New construction or additions to a building are encouraged to be appropriate to the style of the period in which it is created and not attempt to create a false sense of history.

Analysis: Although the design of the structure is modern in nature, it does incorporate elements of the Mid-Century Modern style and is visually compatible with other buildings in the historical district.

(13) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:

(a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.

Analysis: This requirement is not applicable to the new construction project on a vacant property.

(b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.

Analysis: In the submitted site plan, all mechanical equipment is placed outside the required side setbacks and in some cases is also screened from view. The mechanical equipment will not be visible from South Lakeside Drive.

(c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.

Analysis: This requirement is not applicable to the new construction project on a vacant property.

(14) The site should take into account the compatibility of parking facilities, utility and service areas, walkways and appurtenances. These should be designated with the overall environment in mind and should be in keeping visually with related buildings and structures.

Analysis: The proposal includes a landscape plan, which is part of the architectural drawings in **Attachment C**. The garage is side-loaded to the south and the garage bays face north rather than towards the street, obscuring the garage's prominence. The proposed site design is generally compatible with the surrounding neighborhood, excluding the previously mentioned issues with fence height at the side property lines. If approved by the Board, staff has included a condition that final site plan review and approval will occur at building permit.

Section 23.5-4(k)(4)(A) – Additional Requirements for Demolitions

All requests for demolition shall require a certificate of appropriateness. No certificate of appropriateness for demolition of a landmark or contributing property shall be issued by the HRPB unless the applicant has demonstrated that no other feasible alternative to demolition can be found. In making its decision to issue

or deny a certificate of appropriateness to demolish, in whole or in part, a landmark building or structure, the HRPB shall, at a minimum, consider the following additional decision-making criteria and guidelines:

(1) Is the structure of such interest or quality that it would reasonably fulfill criteria for designation as a landmark on the National Register of Historic Places?

Analysis: The existing structure is a non-contributing structure to the South Palm Park Historic District and is not of great interest or quality. Furthermore, the remaining structure is only a part of the non-contributing structure, as much of the structure has been demolished previously (per HRPB #20-00100030).

(2) Is the structure of such design, texture, craftsmanship, size, scale, detail, unique location or material that it could be reproduced only with great difficulty or economically unreasonable expense?

Analysis: The remaining structure could be reproduced utilizing modern building materials.

(3) Is the structure one of the few remaining examples of its kind in the city?

Analysis: No, there are several single-family structures throughout the City that underwent significant renovations in the 1970s.

(4) Would retaining the structure promote the general welfare of the city by providing an opportunity to study local history, architecture and design or by developing an understanding of the importance and value of a particular culture or heritage?

Analysis: The design of the remaining structure is not notable and would not necessarily provide an exemplary opportunity to study local history or design.

(5) Does the permit application propose simultaneous demolition and new construction? If new construction is proposed, will it be compatible with its surroundings (as defined above) and, if so, what effect will those plans have on the character of the surrounding sites or district?

Analysis: Yes, the application proposes simultaneous demolition and new construction. The proposed new construction is compatible with its surroundings, as established in this report.

(6) Would granting the certificate of appropriateness for demolition result in an irreparable loss to the city of a significant historic resource?

Analysis: Staff's analysis is that the demolition of the structure would not result in an irreparable loss of a significant historic resource. The remaining structure is non-contributing and does not display examples of fine craftsmanship.

(7) Are there definite plans for the immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archeological or environmental character of the surrounding area or district?

Analysis: Yes, plans for new construction are part of the proposed demolition application. Compatible new construction on this site can further enhance the architectural diversity of the South Palm Park Local Historic District.

(8) Is the building or structure capable of earning reasonable economic return on its value?

Analysis: Staff defers to the Applicant.

(9) Would denial of demolition result in an unreasonable economic hardship for the property owner?

Analysis: Staff defers to the Applicant.

(10) Does the building or structure contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?

Analysis: The existing structure is a non-contributing resource within the South Palm Park Historic District and staff contends that in its current state, the building does not contribute to the historic character of the district.

(11) Has demolition of the designated building or structure been ordered by an appropriate public agency because of unsafe conditions?

Analysis: No, the structure has not been ordered to be demolished.

(12) Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism or neglect?

Analysis: It appears that reasonable measures have been taken to secure the property.

Historic Preservation Design Guidelines

Per the Lake Worth Beach Historic Guidelines, *“New construction can be designed utilizing the architectural language of one of the 10 defined primary styles, or an alternative yet compatible style. It is very important that new construction not hybridize the styles, borrowing pieces from one and another. This approach creates confusion and dilutes the intrinsic value of the historic structures and styles. The best approach is to choose one style of architecture, and to design a structure that utilizes the common characteristics, proportions, and materials of that style.”* The Mid-Century Modern architectural style is covered as a primary style in the Lake Worth Beach Historic Preservation Design Guidelines, and that chapter is included in this report as **Attachment D**.

Analysis: New construction in the City’s historic districts is not limited to any particular architectural style, but staff always recommends that projects are designed solely within one architectural style. Staff contends that the new construction project, as proposed, is generally compatible with the regulations set forth in the historic preservation ordinance and that the design of the structure displays architectural features and materials that are consistent with contemporary architecture and Mid-Century Modern

detailing. Staff has included the Design Guidelines section on Mid-Century Modern architecture as **Attachment D**. The flat roof design, projecting eyebrows, wall materials, and large windows, in particular, are character-defining features of the Mid-Century Modern style present in the proposed design. The elevator shaft on the front elevation also contributes to the elements of Mid-Century Modern style, as it imitates the wide masonry chimneys that were often present on the front elevation of Mid-Century homes. The proposed home is designed as a contemporary iteration of a Mid-Century Modern home and the window placement and fenestration pattern generally avoids long expanses of blank façade facing the public right-of-way. Adding contemporary structures into historic districts creates an architectural record for present styles, which can add to the unique character and to the chronology of building styles constructed throughout the city's history.

PUBLIC COMMENT:

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

CONCLUSION:

The proposed application is consistent with the City's Land Development Regulations, and the structure's design is generally consistent with the Historic Preservation Design Guidelines requirements for new construction and site considerations. However, staff has concerns about the proposed fill, grading, and fencing as proposed. Staff recommends that the board discuss the proposed fill, especially along the side property lines, to determine if terracing, sloping or a reduction in the volume of fill would provide a more compatible site development design. The fill, grading, landscaping, and fencing will require final review and approval at building permit by the City Engineer. Board direction on the fill will impact the final conditions of approval. Staff is recommending approval with conditions provided below except for the fill and fencing as proposed.

Conditions of Approval

- 1) The adopted FEMA map at the time of building permit submittal will be the governing regulatory map.
- 2) All fencing and gate locations, heights, and materials shall comply with the height and placement requirements of LDR Sec. 23.4-4 and shall be reviewed by staff at building permit. Fence and wall height are required to be measured from the natural grade. The fence height as currently proposed is not consistent with fence requirements in the LDRs.
- 3) Fill and drainage shall be reviewed at building permit by the City Engineer and the Department of Community Sustainability for consistency with all applicable drainage and fill requirements, including the requirement that no drainage is allowed to impact/flow onto adjacent property.
- 4) The front door and bathroom windows may utilize clear glass, frosted glass, or glass with a Low-E coating (60% minimum VLT). Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
- 5) The windows and doors (excluding the bathroom windows and front door) shall utilize glazing that is clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% 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.
- 6) The windows shall be recessed a minimum of two inches (2") in the wall, and shall not be installed flush with the exterior wall.
- 7) The structure shall utilize smooth stucco and porcelain tile exterior finishes.

- 8) The exact design of the windows, entry doors, and garage doors shall be reviewed by staff at permitting.
- 9) All improved surfaces shall be setback a minimum of 1'-0" from property lines to allow for adequate water runoff within the property boundary.
- 10) All mechanical equipment shall be located behind the front façade of the structure and outside of required setbacks.
- 11) In addition to a Landscape Plan, a tree survey and disposition plan shall also be required at building permit. Landscaping shall be reviewed for compliance with the City's landscape requirements at building permit. Per comments from the City Horticulturalist, the current plans do not meet minimum tree requirements.
- 12) A permit for new construction shall be submitted concurrently with the demolition permit.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 22-00100370 with staff recommended conditions for the demolition of an existing structure and construction of a new ± 6,145 square foot single-family residence located at **1120 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 22-00100370 for a Certificate of Appropriateness (COA) for the demolition of an existing structure and construction of a new ± 6,145 square foot single-family residence located at **1120 South Lakeside Drive**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Survey
- B. Current Photos
- C. Architectural Plan Set
- D. Historic Design Guidelines: Mid-Century Modern
- E. Application and Justification Statement
- F. NOAs for Building Materials



MEMORANDUM DATE: November 2, 2022

AGENDA DATE: November 9, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **504 3rd Avenue South**

FROM: Anne Greening, Senior Preservation Planner
Yeneneh Terefe, Preservation Planner
Department of Community Sustainability

TITLE: HRPB Project Number 22-01500005: A request for a variance to allow a generator in the front yard along South M Street for the property located at **504 3rd Avenue South**; PCN #38-43-44-21-15-091-0300. The subject property is a non-contributing resource within the Southeast Lucerne Local Historic District and is located in the Multi-Family Residential (MF-20) zoning district. The future land use designation is Medium Density Residential (MDR).

OWNER/APPLICANT: Sam Rengasawmy
Mobat, Inc.
3700 North Flagler Drive
West Palm Beach, FL 33407

PROPERTY DEVELOPMENT HISTORY:

The property at 504 3rd Avenue South received approval by the Zoning Board of Appeals in 1958 to operate a nursing home. As a result of that approval, the existing two 2-story houses, a cottage, and garage were demolished in 1962-1963 and a new two-story building was built for the Cuyler Pavilion Nursing Home. The property was granted two waivers in 1965 to permit a building height of up to 41 feet and to permit lot coverage of 52.2%. In 1967, part of the two-story building was demolished and replaced with a new four-story addition. The property functioned as the Cuyler Pavilion Nursing Home until the mid-1970s, when it became the Golfview Nursing Home and then the Lake Worth Nursing Home. The property once again changed hands in 1981, when it became Crest Manor Assisted Living.

In 1983, the City Commission granted the property's request to construct an awning extending over the public right-of-way. A parking lot, laundry/service structure, and a dining room addition were constructed in 1985. That same year, the property was granted a variance to waive the required number of parking spots. The property has undergone multiple changes since 1985, including reroofing in 1990, 1993, and 2018; installation of a chain link fence in 1995; window replacement in 2021; and door replacement in 1977 and 2022.

PROJECT DESCRIPTION:

The applicant, Sam Rengasawmy, is requesting to install a generator in the front yard of Crest Manor Assisted Living, located at 504 3rd Avenue South. Although the building's main entrance is oriented

towards 3rd Avenue South, the front property line is located along South M Street. LDR Section 23.4-17 requires that generators to be located in the side or rear yards of a property. A permanent emergency generator is required by the Florida Department of Elderly Affairs for assisted living facilities (Rule 58A-5.036, F.A.C.). The subject property is located on the northwest corner of 3rd Avenue South and South M Street. The parcel is within the Multi-Family Residential (MF-20) Zoning District and has a Future Land Use (FLU) designation of Medium-Density Residential (MDR). The property owner's survey is included in **Attachment A**.

The application will require the following approval: **Variance** to allow the required standby generator to be installed in the front yard of the property, along South M Street.

BACKGROUND:

- On March 26, 2018, the Governor signed SB 7028 into law, which ratified Rule 58A-5.036, Florida Administrative Code, entitled "Emergency Environmental Control for Assisted Living Facilities," as filed for adoption with the Department of State pursuant to the certification package dated February 13, 2018. This rule established the permanent emergency generator requirement for Assisted Living Facilities.
- On April 26, 2019 building permit #19-1674 was submitted to install a standby generator at 504 3rd Avenue South, pursuant to the requirements in Rule 58A-5.036, F.A.C.
- On May 7, 2019, zoning staff failed the permit because the generator location did not comply with required setbacks as established in LDR Section 23.4-17. The permit was also failed for electric and plumbing reviews.
- On January 21, 2022, Staff received a letter requesting that permit #19-1674 be cancelled at the customer's request. As the generator was never installed, the permit was voided on January 26, 2022.
- **On May 16, 2022, the property owner was given notice that the property at 504 3rd Avenue South had multiple violations of the fire code, including lack of a standby generator that meets the requirements established in Rule 58A-5.036, F.A.C.**
- On August 24, 2022, Staff received a Universal Development Application requesting a variance to install a new standby generator in the front yard of the property along South M Street. Staff sent the property owner a completeness review on September 12, 2022.
- Staff received a complete variance application by October 4, 2022, and the item was scheduled for the November 9th HRPB meeting.

STAFF RECOMMENDATION:

The proposed variance request is consistent with the variance requirements as established in LDR Section 23.2-26(b). Therefore, Staff is recommending approval of the proposed variance.

PROPERTY DESCRIPTION:

Owner	Sam Rengasawmy
General Location	Northwest corner of 3 rd Avenue South and South M Street
PCN	38-43-44-21-15-091-0300
Zoning	Multi-Family Residential (MF-20)

Existing Land Use	Assisted Living Facility
Future Land Use Designation	Medium Density Residential (MDR)

LOCATION MAP:



ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per Policy 1.1.1.3, the MDR category is intended primarily to permit the development of two-family and multi-family structures at a maximum of 20 dwelling units per acre. The assisted living facility use is a non-conforming use and may continue to exist, but cannot be expanded or enlarged (LDR Section 23.5-3 – Nonconformities). The variance being sought does not change or expand the current use of the property. The proposed variance would allow a standby generator to be installed in the front yard of the Crest

Manor Assisted Living Facility, bringing the property into compliance with state law and the Fire Code. A formal consistency review of the Strategic Plan and Comprehensive Plan is not applicable to an improvement of this scale.

Consistency with Land Development Regulations

The proposed generator in the front yard of 504 3rd Avenue South conflicts with the development requirements in the City's Zoning Code, specifically limitations on the location of generators. The property is located in the Multi-family Residential (MF-20) Zoning District. Based on the following sections of the Land Development Regulations:

<u>Required by Code</u>	<u>Proposed</u>
<p>LDR Section 23.4-17: <i>Property owners will be allowed to have generators as an accessory use subject to the following requirements:</i></p> <ol style="list-style-type: none"> 1. <i>May be located in side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way.</i> 2. <i>May be located in the rear setback if the property is not located on an alley.</i> 3. <i>A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line.</i> 	<p>Installation of a standby generator in the front yard is not permitted per Section 23.4-17, which identifies the only locations where generators are permitted.</p>

Variance Request

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

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

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

Analysis: An emergency generator is required by the State of Florida for all assisted living facilities per Florida Administrative Code Rule 58A-5.036. The side setback of the primary structure ranges from about 2 feet to about 14.5 feet, and the rear setback is about four feet. Based on the size and siting of the structure, there are limited locations for the placement of a commercially sized

generator. Further, the property owner contends that the back yard does not have enough room to accommodate the new generator and the side yard is an unfit location as it is currently used as outdoor space for the residents. The side yard is also adjacent to a single-family dwelling. Based on the existing siting of the structure and the generator requirement, staff concurs that there are special circumstances or conditions that are peculiar to the land and building that do not apply generally to the nearby lands and buildings. **Meets criterion.**

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

Analysis: Strict application of the LDRs and failure to grant the proposed variance would deny the applicant reasonable use of the property as an Assisted Living Facility (ALF), which has been the property's use for over 60 years. ALFs are required to have a standby generator that meets the standards established in Rule 58A-5.036, F.A.C. The proposed front yard locations appear to be appropriate locations for the new generator, as they are adjacent to the building and away from existing outdoor recreation areas for residents and the adjacent single-family home. Denial of the variance would mean that the generator would need to be installed in the side yard, which would limit the functionality of the residents' outdoor space. Additionally, installation of a commercial generator in the side yard would impact adjacent residential uses, particularly the single-family home at 223 South M Street. The applicant's preferred generator location would also allow for the reconstruction of a deteriorated walking path from the door facing South M Street to the residents' outdoor space. Staff has proposed a condition of approval requiring the installation of a walking path from the side door to the outdoor use area. **Meets criterion.**

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

Analysis: The proposed variance from the generator development standard is the minimum necessary to accommodate the required standby generator on the property, as this is the most suitable location for the generator based on the property's historic development. **Meets criterion.**

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

Analysis: The proposed request is in accordance with the spirit and purpose of the LDRs. Staff has drafted conditions requiring that the proposed generator be screened from the public right-of-way and that the generator's noise shall not exceed sixty-five (65) decibels as measured from the property line. As conditioned, the granting of the variance shall not be unduly injurious to contiguous property, nor shall it be detrimental to the public welfare. **Meets criterion.**

Historic Preservation Analysis

Generators within the historic districts are only reviewed for compliance with zoning requirements.

PUBLIC COMMENT:

At the time of publication, Staff has not received public comments regarding the proposed variance.

CONCLUSION:

Based on staff analysis, the variance request generally complies with all the variance criteria outline above as conditioned. Staff recommends that the HRPB discuss the appropriateness of the proposed generator location and determine if the proposed variance is consistent with the required variance criteria. Staff has drafted conditions of approval included conditions requiring screening and noise limitations for the generator, as well as requiring that the property resolve existing violations of the Landscape Code.

Conditions of Approval:

1. The variance from the generator development standards shall be project and use specific, and shall only apply to the scope of work approved under this application for this use. Should the property be redeveloped or destroyed, or the use changed, the variance would no longer be valid.
2. The generator's noise shall not exceed sixty-five (65) decibels as measured from the property line.
3. The applicant shall install battery operated carbon monoxide detectors in the sleeping units directly adjacent to and above the proposed generator location.
4. A Landscape Plan shall be submitted for review and approval and shall depict:
 - a. The required landscape screening to prevent visibility of the generator from the public right-of-way.
 - b. Missing or dead plant material shall be identified for replacement along all rights-of-way.
 - c. All existing and new plants as required by the Landscape Code on the entire site. Contact the City Horticulturalist, David McGrew for more information: (561) 586-7433.
5. All landscaping identified on the approved landscape permit shall be installed within six (6) months from date of this development order.
6. The applicant shall repave or install pavers to reestablish the walking path from the door on South M Street to the residents' outdoor patio area.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 22-01500005, a variance to allow a generator in the front yard along South M Street for the property located at **504 3rd Avenue South**. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO **DENY** HRPB Project Number 22-01500005, a variance to allow a generator in the front yard along South M Street for the property located at **504 3rd Avenue South**. The project does not meet the variance criteria for the following reasons [Board member please state reasons.]

ATTACHMENTS:

- A. Attachment A – Survey
- B. Attachment B – Application and Justification Statement