



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JANUARY 10, 2024 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [November 8, 2023 Meeting Minutes](#)

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [603 North Ocean Breeze](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [HRPB Project Number 23-00100140: Consideration of a Certificate of Appropriateness \(COA\) for roof replacement at 611 7th Avenue North. The subject property is a non-contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential \(SF-TF-14\) Zoning District.](#)
- B. [HRPB Project Number 23-01500012: A request for a variance to allow a six-foot high fence in the front yard at 603 North Ocean Breeze. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential \(SFR\) zoning district. The future land use designation is the Single Family Residential \(SFR\).](#)

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT

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

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

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



MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, NOVEMBER 08, 2023 -- 6:02 PM

ROLL CALL and RECORDING OF ABSENCES Present were: Robert D'Arinzo; Nadine Heitz, Laura Devlin, Edmond LeBlanc; Elaine DeRiso; Edmund Deveaux. Also present were: Anne Greening, Senior Preservation Planner; Yeneneh Terefe, Preservation Planner; Elizabeth Lenihan, Board Attorney; William Waters, Director for Community Sustainability; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

BOARD MEMBER ELECTION

Election of Chair and Vice-Chair

N. Heitz nominates R. D'Arinzo as Chairman; E. Deveaux 2nd.

R. D'Arinzo nominates N. Heitz as Vice-Chair; E. Deveaux 2nd.

Vote: Ayes all, unanimous.

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. October 11, 2023 Meeting Minutes

Motion: L. Devlin moved to accept the October 11, 2023 meeting minutes as presented; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

CASES

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

PROOF OF PUBLICATION - None required

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE: L. Devlin – Several months prior she was in attendance at a Commission meeting for the Gulfstream Hotel, held up a preprinted sign in favor of the approval as did many others. Is a Facebook friend with Amy Gill as are many people. Believes she can be impartial and participate in a fair manner. Has had no direct involvement in the project other than what is stated. Has no financial interest, no ethical conflicts of interest.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. HRPB Project Number 23-00100241:** Consideration of a Certificate of Appropriateness (COA) for window and door replacements at the property located at 213 Fordham Drive. The subject property is a non-contributing resource to the College Park Historic District and is located in the Single-Family Residential (SFR) zoning district.

Staff: A. Greening presents case findings and analysis. With minimal alterations over time, the structure maintains sufficient historic integrity and as it has reached the 50-year threshold, it is recommended that to become a contributing property. The COA applied for in August 2023 was disapproved at time of permit due to incompatible doors and windows on openings 1-4 (which are seen from the public right-of-way).

Opening #3 (door) staff offered the compromise of a 2-panel door for the utilitarian storage entrance. The application of an exterior, horizontal muntin, on opening # 4, would continue to imitate the appearance of the two-light awning window. Staff could not approve the preferred door proposals for Openings #1 and #2. Staff did offer five other style appropriate impact doors, none of which were acceptable to the applicant. Leaded and textured glass are not appropriate as per the Design Guidelines for the Masonry Vernacular home. Hi- style homes such as Tudor Revival, French Eclectic, High-Style Prairie may have utilized leaded, textured glass. These are not found in Lake Worth Beach, the masonry vernacular would have had much simpler doors. Those now found in the districts will need to meet the criteria when replaced; those installed without permit could receive code violations.

Staff recommends denial as the application is not consistent with the Design Guidelines or the Historic Preservation Ordinance.

Applicant: Amanda Kahan 213 Fordham Drive – Has lived in College Park for about four (4) years and is civically involved. She cites homeowners insurance costs as the impetus for hardening the structure. Applicant states the doors are already purchased and she cannot afford to purchase new doors. None of the designs were available through the company they were utilizing for installation. The suggested door styles are not seen in the neighborhood as shown in the Design Guidelines. The front door is west facing not street facing, the garage door is blocked by a car. Believes what they chose is close to the guidelines and match what is happening in the neighborhood.

Public Comment: None

Chair reminds applicant the doors are a prominent feature of the house and neighborhood consistency will be more evident as time progresses.

Board: E. Deveaux motions to approve. N. Heitz disagrees with the motion as the Board is tasked to adhere to the guidelines. Reasons to stray from the guidelines/criteria need to be justified.

Board Attorney: Competent substantial evidence should be placed on the record to support each of the criteria to be approved; the staff report and criteria address a denial.

Staff confirms that since it is non-contributing the review is limited to the part visible from the street. If it were contributing the entire perimeter would be subject to review.

Board: E. DeRiso has questions about the hardship claim. **Response:** The doors were purchased prior to the applicant being layed off.

Board Secretary: Swears in the spokesperson for the applicant.

Salesman: Brian Homan 1096 Grove Park Circle Boynton Beach- Spoke about whether there would be any issues and did not see a particular problem. The doors cost @ \$7 K approximately four months ago. My Safe Florida Home- will receive a rebate if completed by April 2024.

Board: N. Heitz queries salesperson if he has ever worked in the historic districts prior to this instance; **Response:** Yes, however he did not think they were doing anything wrong based on what he saw in neighborhood. They cannot be returned as they are custom made. The salesman stated manufacturing occurred while the permit was being processed. Cannot meet the April deadline and grant if applying for the hardship.

Board: L. Devlin: Understands there may be a parity issue (my house should look like everyone else's home) and economic hardship. Evidence of hardship is necessary to claim hardship. E. DeRiso: There would not be an issue if a door was selected that was suggested by staff.

Salesperson: Questions if Board will make all homeowners compliant?

Board Chair and member do not want to set a precedent.

Board Attorney: The desired doors could not be approved via the Economic Hardship Application

Board: E. Deveaux states other cities have guidelines on their website and are available to the public.

Staff and Board members mention the City of Lake Worth Beach Design Guidelines have been online for several years and the applicant was directed to the guidelines. They failed with due diligence and made an assumption. E. LeBlanc mentions not being able to approve based on hardship as no evidence or hardship application was produced.

Board Attorney: Each of the criteria must be justified in order to recommend approval of the request. A question about being.

Motion: E. Deveaux moves to approve HRPB 23-00100241 for door #1, the front door, as it does not directly face the street and is recessed (west facing); door #2, carport door, shall comply with the City recommendation as it is front facing. The muntin on opening #4 and door opening #3 shall be a 2-panel door as per mutually agreed upon by staff; L. Devlin 2nd.

Board: N. Heitz states the motion will minimize the cost to the applicant and is slightly disjointed.

Vote: 4/2 in favor of motion; E. LeBlanc and R. D'Arinzo dissenting.

B. HRPB Project Number 23-01100003: Consideration of a final plat map application for the Gulfstream Hotel project, generally located at 1 Lake Avenue, 11 Lake Avenue, and 12, 14, 20, 22, and 24 South Lakeside Drive. The subject site is located in the Downtown (DT) zoning district and has a future land use designation of Downtown Mixed Use (DMU). The subject property is also located in the South Palm Park Historic District.

Staff: A. Greening- apprises the Board of the status of the preliminary requirements for the Gulfstream Plat. Parcel 1 shows the Historic structure. Some easements are being placed, some released and some temporary for utility work.

Staff: W. Waters advises there will be an additional utility easement. Within the nearly 10-feet along the alley not being vacated, there will be underground utilities.

Public Comment: Wes Blackman, 241 Columbia Dr., encouraged Board members to recommend said request to the City Commission for approval.

Motion: N. Heitz moves to approve HRPB 23-01100003 with staff recommended Conditions for a final plat as the proposal meets the applicable criteria based on the data and analysis in the staff report; E. LeBlanc 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: None

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: E. Sita is missed.

ADJOURNMENT 6:59 PM

Legal Notice No. 49062

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, January 10, 2024 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #23-01500012: A request for a variance to allow a six-foot high fence in the front yard at 603 North Ocean Breeze. The subject property is a contributing resource within the Old Lucerne Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is the Single Family Residential (SFR). PCN 38-43-44-21-15-19-0250.

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
December 28, 2023



HISTORIC RESOURCES PRESERVATION BOARD REPORT

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

Meeting Date: January 10, 2024

Property Owner/Applicant: David Cohen

Address: 611 7th Avenue North

PCN: 38-43-44-21-15-176-0172

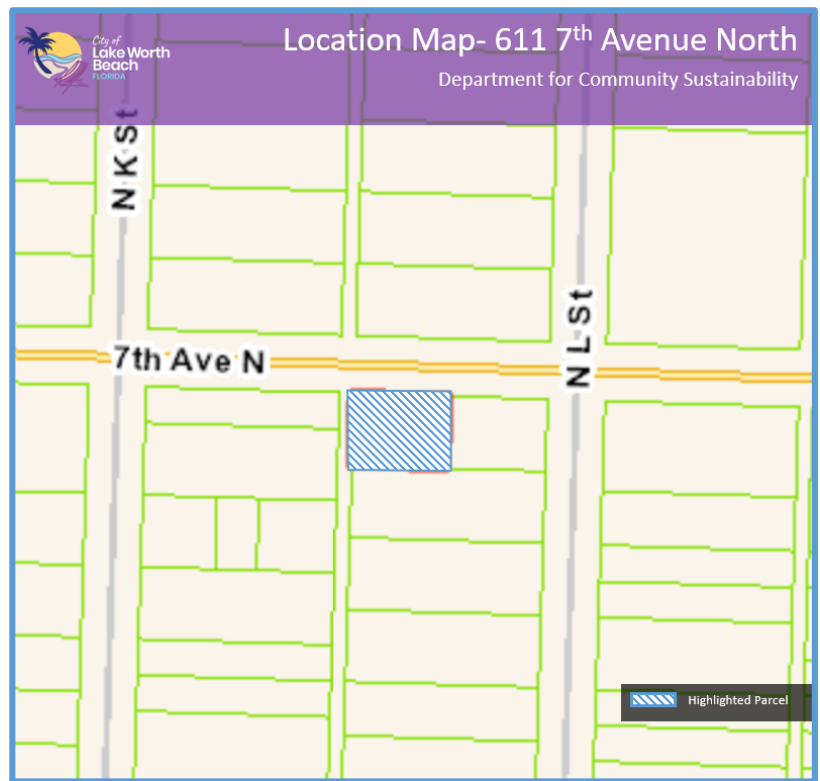
Lot Size: 0.07 acre /3380 sf

General Location: South side of 7th Avenue North between North K Street and North L Street

Existing Land Use: Single Family Residential

Current Future Land Use Designation: Medium Density Residential (MDR)

Zoning District: Single-Family and Two-Family Residential (SF-TF-14)



RECOMMENDATION

The documentation and materials provided with the application were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and Historic Preservation Design Guidelines, and for consistency with the Comprehensive Plan. Staff is recommending denial of the roof replacement, as it does not comply with the Historic Preservation Design Guidelines for roofing replacements.

PROJECT DESCRIPTION

The property owner, David Cohen, is requesting a Certificate of Appropriateness to replace the existing asphalt shingle roof with a metal standing seam roof at 611 7th Avenue North.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

PROPERTY DEVELOPMENT HISTORY

The existing structure at 611 7th Avenue North was constructed c. 1929 in the Wood Frame Vernacular style. Based on city records, the structure has had few alterations over time and retains much of its historic integrity. The original plans are not available, but according to city records, the roof was a composition rolled roofing system in 1956. By 1976, the roof was replaced by a composition shingle roofing system and remains so to this day. Another alteration was carried out in March 1990 to replace the original wood siding with vinyl siding.

Although the property is currently designated as non-contributing, in the 2015-2020 updated survey, it is recommended to be a contributing resource in the Northeast Lucerne Historic District.

On March 22, 2023, historic preservation staff received a completed COA application to replace the dimensional asphalt shingle roofing with metal standing seam roofing. Staff disapproved the application on the same day and provided comments to the applicant noting that the appropriate replacement for a dimensional asphalt shingle roof was a new dimensional asphalt shingle roof. The applicants chose to pursue HRPB approval of the metal standing seam and started an application for an HRPB review on June 13, 2023. On November 14, 2023, the applicant provided all the necessary documents, and the project was placed on the HRPB agenda for December 13, 2023.

Photographs of the site are included as **Attachment A**, the proposed metal standing seam is included as **Attachment B**, and the applicant's justification statement is included as **Attachment C**.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per policy 1.1.1.3, the Medium-Density Residential category is *"intended primarily to permit development of two-family structures and multi-family structures. Two-family structures are those that provide two principal dwelling units, each for occupancy by one family or household. Multi-family structures are those that contain three or more dwelling units, each for occupancy by one family or household. Implementing zoning districts are SF/TF-14, MF-20, and NC."*

Analysis: While the Medium-Density Residential designation is primarily intended to permit the development of structures with two or more dwelling units, one of the implementing districts is the Single-Family and Two-Family Residential zoning district (SF-TF-14), which is intended to permit the development of one-family and two-family structures. The existing structure at 611 7th Avenue North is a single-family house, which is consistent with the implementing zoning district for the Medium-Density Residential FLU designation. However, the proposed metal standing seam roof is not consistent with Objectives 1.4.2 and 3.4.1, which seek to provide for the protection, preservation, or sensitive reuse of historic resources.

Consistency with the Land Development Regulations – Historic Preservation

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 section of the Historic Preservation Design Guidelines, as well as the roofing section, are included as **Attachment D**.

Section 23.5-4(k)1 – General guidelines for granting certificates of appropriateness: *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?

Analysis: The proposed work will replace the dimensional asphalt shingle roof with a metal standing seam roof. Based on the City's Historic Preservation Design Guidelines, staff contends that the proposed metal standing seam roof is not a successful replacement for the existing dimensional asphalt shingles. According to the Historic Preservation Design Guidelines, the typical roofing options for this architectural style are wood shingle/shake, metal shingle, or composition rolled roofing. A dimensional asphalt shingle will be an appropriate replacement for both the original composition rolled roofing and the existing composition shingles.

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

Analysis: The proposed roof replacement will detract from the overall historic character of the Northeast Lucerne Local Historic District since metal standing seam roofs are not compatible with the architectural style of 611 7th Avenue North, per the Historic Preservation Design Guidelines.

- 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?

Analysis: Per the regulations set forth in the City's Historic Preservation Design Guidelines, replacement roofs shall replicate the appearance of the original roofing material. The metal standing seam roof will reduce the overall historic character of this property since typically Wood Frame Vernacular homes had composition rolled roofing, wood/shake shingles, or metal shingles. The most successful replacement option is dimensional asphalt shingles. A metal standing seam is not compatible with the architectural style.

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

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?

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?

Analysis: The proposal is not in compliance with the City’s Historic Preservation Design Guidelines, the Secretary of the Interior’s Standards for Rehabilitation, or the City’s Historic Preservation Ordinance (LDR Sec. 23.5-4), since a metal standing seam is not architecturally compatible with a Wood Frame Vernacular style.

- 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?

Analysis: The resource is a Wood Frame Vernacular building, which has a distinct set of architectural characteristics. According to the Historic Preservation Design Guidelines, original Wood Frame Vernacular roofs used wood shingles/shake, metal shingles, or composition rolled roofing. The appropriate replacement for both the original composition rolled roofing and the current composition shingle roofing is a composition shingle roof. The proposed metal standing seam is not an appropriate replacement.

In addition, according to the 2020 Northeast Lucerne Designation Report, 611 7th Avenue South is recommended to be a contributing resource in the Northeast Lucerne Historic District. Inappropriate roofing replacement may negatively impact the property’s future status as a contributing historic resource.

Section 23.5-4(k)(2) – Additional guidelines for alterations and additions, noncontributing structures:

- A. Is this a change to the primary façade?

Analysis: The roof replacement will be visible from the public right-of-way. Therefore, the roof must comply with the Historic Preservation Design Guidelines, and a metal standing seam is not a successful replacement.

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

Analysis: No, in this case the original qualities and character of the building would be adversely impacted by the removal and replacement of the dimensional asphalt shingles with a metal standing seam roof, since the latter roofing type is not an appropriate replacement for the Wood Frame Vernacular architectural style.

CONCLUSION AND CONDITIONS

Staff contends that the proposed application to replace the dimensional asphalt shingle roofing with metal standing seam roofing is not an appropriate replacement material for this structure, and is not consistent with the replacement material guidance in the Historic Preservation Design Guidelines. Therefore, staff recommends denial of the application.

BOARD POTENTIAL MOTION:

I MOVE TO **DENY** HRPB Project Number 23-0010140 for a Certificate of Appropriateness (COA) for roof replacement for the property located at **611 7th Avenue North**, 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.

I MOVE TO **APPROVE** HRPB Project Number 23-00100140 for a Certificate of Appropriateness (COA) for roof replacement for the property located at **611 7th Avenue North**, because [Board member please state reasons].

ATTACHMENTS

- A. Photos
- B. Proposed Metal Standing Seam
- C. Applicant’s Justification Statement
- D. Design Guidelines – Wood Frame Vernacular Style and Roofing



HISTORIC RESOURCES PRESERVATION BOARD REPORT

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

Meeting Date: January 10, 2024

Property Owner: Renee and Robert Waldeck

Address: 603 North Ocean Breeze

PCN: 38-43-44-21-15-170-0150

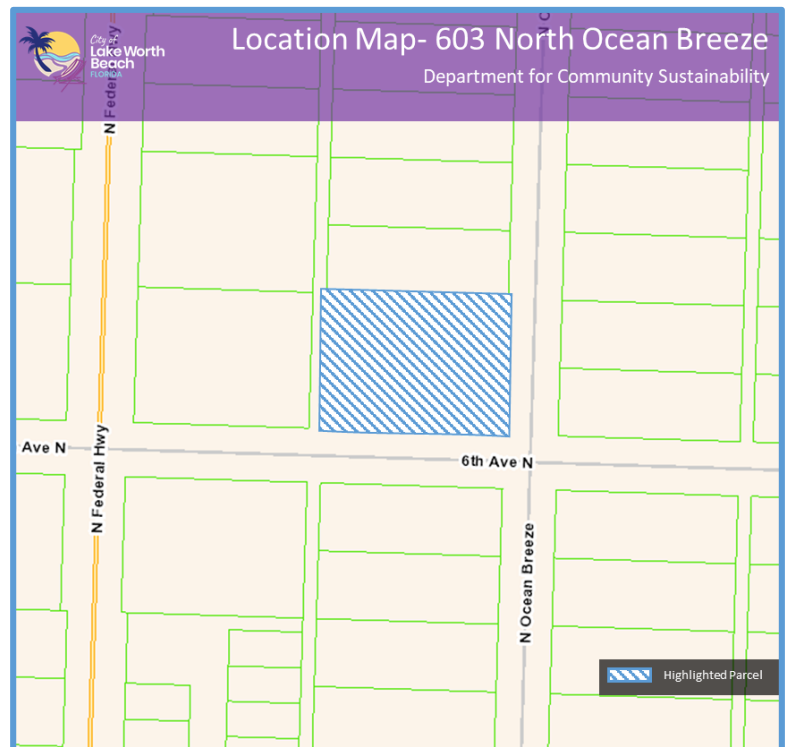
Size: ±0.31 acres / 13,500 sf

General Location: Northwest corner of 6th Avenue North and North Ocean Breeze

Existing Land Use: Single Family Residential

Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. The proposed variance request is not consistent with the variance criteria in the LDRs. Therefore, staff is recommending that the HRPB not approve the variance request.

PROJECT DESCRIPTION

The property owners, Renee and Robert Waldeck, are requesting a variance to allow approximately 58 linear feet of 6-foot-tall fencing in the front yard of 603 North Ocean Breeze. The fencing was previously installed without building permits. The parcel is located in the Single Family Residential (SFR) zoning district and has a Future Land Use (FLU) designation of Single Family Residential (SFR). A survey of the property is included in **Attachment A**.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

BACKGROUND

The existing house and garage structures at 603 North Ocean Breeze were constructed in 1947. By 1956, the garage had been converted for use as both a garage and an apartment unit. A pool and rear patio were added in 1970, and fencing around the pool and backyard was installed in 1971 and 1985.

The property was cited by Code Compliance on May 19, 2023, noting that fencing in the front yard had been installed without permits. The property owners submitted a fence permit application on August 4, 2023, and staff disapproved the permit on August 17th, noting that the fencing in the front yard exceeded the maximum height allowance. After discussions with staff, the property owners chose to apply for a fence height variance; following the submittal of previously missing or incomplete documents, the project was scheduled for the December HRPB meeting.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per policy 1.1.1.2, the Single Family Residential category is *“intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes, or modular units.”*

Analysis: The existing principal structure is a single family house that is consistent with the intent of the Single Family Residential designation. The variance being sought will not change the use of the property. As such, a formal consistency review of the comprehensive plan is not applicable to a project of this scale.

Consistency with the Land Development Regulations

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City’s LDRs, for compliance with the findings for granting variances (analyzed in the next section), and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Analysis: The fencing in the front yard at 603 North Ocean Breeze conflicts with the development requirements in the City’s Land Development Regulations, specifically the limitations for maximum fence height in front yards.

Per LDR Section 23.4-4(d)(1)(a), the maximum height of fences or walls in the front yard (on the front property line and the portions of the side property lines between the front property line and the front building setback line), is four (4)

circumstances of 603 North Ocean Breeze apply generally to nearby lands and buildings and the variance request is the result of actions of the applicants, the requested variance does not meet the intent of this criterion. **Does not meet the criterion.**

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

Analysis: The property has accommodated a single-family use for over 75 years. Strict application of the LDRs would require fencing in the front yard to have a maximum height of four feet; this configuration would not deprive the applicants of reasonable use of the land as a single-family residence. **Does not meet the criterion.**

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

Analysis: The proposed variance is not required for reasonable use of the land. A landscape screen on either side of a four-foot-tall fence would comply with the Land Development Regulations while also providing additional privacy, which is a concern expressed in the applicants' justification statement. **Does not meet the criterion.**

- D. *That the granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.*

Analysis: in 2013, the City's new Land Development Regulations were adopted through Ordinance 2013-34. The new LDRs included fence height regulations for front yards, side property lines, and rear property lines. The granting of the variance may have a negative visual impact on the surrounding neighborhood and is contrary to the intent of the fence regulations. **Does Not Meet Criterion.**

Consistency with the Historic Preservation Design Guidelines

Fencing within historic districts does not require COA review.

CONCLUSION AND CONDITIONS

Variance requests are required to be reviewed for consistency with the criteria set forth in LDR Section 23.2-26(b), including the requirement that a hardship be established related to the circumstances of the property. As the circumstances of the subject lot are typical, a hardship was not established. Further, the applicant has not established by competent and substantial evidence that the proposed variance is consistent with any of the required review criteria, including that the strict application of the LDRs would deprive the property owner of reasonable use of the land. Therefore, staff is recommending that the HRPB not approve the proposed variance based on the data and analysis in this report.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** HRPB Project Number 23-01500012 for a variance to allow approximately 58 linear feet of 6-foot tall fencing in the front yard at 603 North Ocean Breeze. The application does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** HRPB Project Number 23-01500012 for a variance to allow approximately 58 linear feet of 6-foot tall fencing in the front yard at 603 North Ocean Breeze. The project meets the variance criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Historic Resources Preservation Board's decision will be the final decision for the variance. The Applicant may appeal the Board's decision directly to circuit court.*

ATTACHMENTS

- A. Survey
- B. Applicant's Justification Statement